

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
31-CA-183625Date Filed  
08/30/2016**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer EPOCH Media Group, LLC		b. Tel. No. (310) 275-9333
		c. Cell No.
		f. Fax No. (310) 275-7696
d. Address (Street, city, state, and ZIP code) 9290 Civic Center Dr. Beverly Hills, CA 90210	e. Employer Representative Megan Murphree, Head of Production	
	g. e-Mail meganmurphree@epochfilms.com	
	h. Number of workers employed Est. 100	
i. Type of Establishment (factory, mine, wholesaler, etc.) Production company	j. Identify principal product or service Advertising	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the past 6 months Respondent violated its duty under section 8(a)(5) to provide Charging Party Union with requested information with respect to the names and contact information of personnel employed in Respondent's production offices after January 1, 2016.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

IATSE Local 871

4a. Address (Street and number, city, state, and ZIP code) 4011 W. Magnolia Blvd. Burbank, CA 91505-2833	4b. Tel. No. (818) 509-7871
	4c. Cell No.
	4d. Fax No. (818) 506-1555
	4e. e-Mail

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

IATSE

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By /s/ Leslie Simon

Leslie Simon, Business Representative

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No. (818) 509-7871 Ext. 105

Office, if any, Cell No.

Fax No. (818) 506-1555

e-Mail  
leslie@ialocal871.org

Address 4011 W. Magnolia Blvd., Burbank, CA 91505-2833

8/30/2016  
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 31  
11500 W Olympic Blvd Ste 600  
Los Angeles, CA 90064-1753

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (310)235-7351  
Fax: (310)235-7420



Download  
NLRB  
Mobile App

September 9, 2016

EPOCH Media Group, LLC  
9290 Civic Center Dr  
Beverly Hills, CA 90210-3714

Re: Epoch Media  
Case 31-CA-183625

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Board Agent ANGELICA BLANCO whose telephone number is (310)307-7326. If this Board agent is not available, you may contact Assistant to the Regional Director TOM K. CHANG whose telephone number is (310)307-7328.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlrb.gov](http://www.nlrb.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

MORI RUBIN  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

31-CA-183625

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**EPOCH MEDIA**

Charged Party

and

**IATSE LOCAL 871**

Charging Party

**Case 31-CA-183625**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 9, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

EPOCH Media Group, LLC  
9290 Civic Center Dr  
Beverly Hills, CA 90210-3714

September 9, 2016

Date

Denisse Rosas, Designated Agent of NLRB

Name

Denisse Rosas

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 31  
11500 W Olympic Blvd Ste 600  
Los Angeles, CA 90064-1753

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (310)235-7351  
Fax: (310)235-7420



Download  
NLRB  
Mobile App

September 9, 2016

Leslie Simon, Business Representative  
IATSE Local 871  
4011 W Magnolia Blvd  
Burbank, CA 91505-2833

Re: Epoch Media  
Case 31-CA-183625

Dear Ms. Simon:

The charge that you filed in this case on August 30, 2016 has been docketed as case number 31-CA-183625. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Board Agent ANGELICA BLANCO whose telephone number is (310)307-7326. If this Board agent is not available, you may contact Assistant to the Regional Director TOM K. CHANG whose telephone number is (310)307-7328.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

MORI RUBIN  
Regional Director



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Epoch Media Group, LLC

and

International Alliance of Theatrical Stage Employees

CASE 31-CA-183625

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Epoch Media Group, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Scott J. Witlin

MAILING ADDRESS: Barnes & Thornburg LLP, 2029 Century Park East, Suite 300, Los Angeles, CA 90067

E-MAIL ADDRESS: scott.witlin@btlaw.com

OFFICE TELEPHONE NUMBER: (310) 284-3777

CELL PHONE NUMBER: \_\_\_\_\_ FAX: (310) 284-3894

SIGNATURE: \_\_\_\_\_

(Please sign in ink.)

DATE: 11-14-16

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Epoch Media Group, LLC

and

International Alliance of Theatrical Stage Employees

CASE 31-CA-183625

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Epoch Media Group, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Robert L. Sacks

MAILING ADDRESS: Kane Kessler, PC, 666 3rd Avenue, New York, NY 10017

E-MAIL ADDRESS: rsacks@kanekeessler.com

OFFICE TELEPHONE NUMBER: (212) 519-5184

CELL PHONE NUMBER: \_\_\_\_\_ FAX: (212) 245-3009

SIGNATURE: \_\_\_\_\_  
(Please sign in ink.)

DATE: 11/23/16

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



**IATSE LOCAL 871**

Script Supervisors/Continuity, Coordinators,  
Accountants & Allied Production Specialists Guild

4011 W. Magnolia Blvd., Burbank, CA 91505-2833

Tel: (818) 509-7871 • Fax: (818) 506-1555  
office@ialocal871.org • www.ialocal871.org

Business Representative: Leslie Simon  
Email: Leslie@ialocal871.org

July 22, 2016

Via e-mail: (b) (6), (b) (7)(C)@epochfilms.com

(b) (6), (b) (7)(C)

EPOCH Media Group, LLC  
9290 Civic Center Dr.  
Beverly Hills, CA 90210

Dear (b) (6), (b) (7)(C)

It has come to our attention that Epoch Media regularly hires freelance employees to perform the duties of Production Office Coordinators, Assistant Production Office Coordinators, Production Accountants and Assistant Production Accountants and "utilizes such employees in the same manner as traditionally used in the motion picture industry." Epoch Media has failed to cover these employees under the terms of the 2013 IATSE and AICP Commercial Production Agreement as required by Appendix D of said Agreement. The specific provisions of the Agreement that have been violated include, but are not limited to Article I, Recognition; Article II, Union Security and Checkoff; Article XXII, Benefits; Article XXVIII, IATSE Entertainment and Exhibition Industries Training Trust Fund; Article XXX, Daily On Call Work.

The freelance employees hired by Epoch Media are employed under the titles of "Production Supervisor," and "Assistant Production Supervisor." In addition, Epoch Media may have also hired these employees under the titles "Production Manager," "Production Coordinator," "Assistant Production Coordinator," "Commercial Coordinator," and/or "Assistant Production Coordinator." Attached, please find summaries of some potential witness testimony in the event it becomes necessary to move these grievances to arbitration. We reserve the right to call additional witnesses as needed.

Please consider this a formal grievance of your violation of the Agreement.

In order to further investigate this grievance, please provide us with the following information no later than August 5<sup>th</sup>, 2016:

- (1) a copy of all Call Sheets for commercials produced by Epoch Media in the Los Angeles area for commercials produced since January 1<sup>st</sup>, 2016;

- (2) a list of all freelance employees in the classifications of "Production Manager," "Assistant Production Manager," "Production Supervisor," "Assistant Production Supervisor," "Production Coordinator," and/or "Assistant Production Coordinator" employed by Epoch Media since January 1<sup>st</sup>, 2016 including his or her name, phone number, e-mail address, mailing address, dates of employment and classification(s) in which employed;
- (3) a copy of any and all documents that describe, or at a minimum mention, the job duties and/or the terms and conditions of employment, of freelance employees hired in the job classifications of "Production Manager," "Assistant Production Manager," "Production Supervisor," "Assistant Production Supervisor," "Production Coordinator," and/or "Assistant Production Coordinator" since January 1<sup>st</sup>, 2016. Such documents shall include but not be limited to the following: "Production Guidelines" or Production Office Checklist."

If you have any questions or would like to discuss this grievance, please feel free to call me at 818-509-7871, ext. 206.

Sincerely,



Leslie Simon

Business Representative

(b) (6), (b) (7)(C)

cc: Mike Miller, IATSE, Department Director, Motion Picture and Television Department  
(via PDF: [mmiller@iatse.net](mailto:mmiller@iatse.net))  
Andrew Kahn, (via PDF: [akahn@iatse.net](mailto:akahn@iatse.net))  
Jim Varga (via PDF: [jvarga@iatse.net](mailto:jvarga@iatse.net))  
Jane Nunez, AICP, Vice President, Labor Relations (via PDF: [janen@aicp.com](mailto:janen@aicp.com))  
Buddy Gottlieb, Bush Gottlieb ([buddyg@bushgottlieb.com](mailto:buddyg@bushgottlieb.com))  
Robert Sachs (via PDF: [rsacks@kanekessler.com](mailto:rsacks@kanekessler.com))  
Scott Witlin (via PDF: [scott.witlin@BTLaw.com](mailto:scott.witlin@BTLaw.com))



**From:** [Blanco, Angelica](#)  
**To:** [leslie@ialocal871.org](mailto:leslie@ialocal871.org); "Andrew Kahn"  
**Subject:** Bodega Studios, Case 31-CA-183570 et. al  
**Date:** Wednesday, September 28, 2016 12:21:00 PM  
**Attachments:** [Information Request Questionnaire.pdf](#)  
[Charges Spreadsheet.xlsx](#)

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Dear Ms. Simon and Mr. Khan:

This is to request your evidence in support of the above-referenced 45 charges. Please see the attached spreadsheet with the case name and case number of all the cases for which I am requesting your evidence. Attached to this email you will also find an Information Request Questionnaire. I will need you to provide the information requested in the Questionnaire for each case.

For each case, please make sure to provide copies of each Information Request submitted to each employer. Please also provide copies of each employer's responses to the Information Request and any subsequent communications with each employer. Please clearly state what information each employer provided to the Union in response to the Union's Information Request and clearly state what information remains outstanding.

To resolve this matter as expeditiously as possible, I request that you provide your evidence in support of these charges **by the close of business on Wednesday, October 12, 2016**.

Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB case number, and follow the detailed instructions.

Thank you for your anticipated cooperation. Please feel free to contact me if you have any questions.

Regards,

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nlrb.gov](mailto:angelica.blanco@nlrb.gov)

**CONFIDENTIALITY NOTICE: OFFICIAL GOVERNMENT BUSINESS**

This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify me immediately by telephone or e-mail. Thank you.



NAME OF PERSON COMPLETING THIS QUESTIONNAIRE:

---

(Please print)

CASE NAME:

CASE NUMBER:

BOARD AGENT:

**CONFIDENTIAL WITNESS QUESTIONNAIRE<sup>1</sup>  
REGARDING REFUSAL AND/OR FAILURE  
TO FURNISH REQUESTED INFORMATION**

**INSTRUCTIONS TO THE CHARGING PARTY:** If you are not capable of completing this questionnaire in English, telephone the Board Agent as soon as possible. (Si usted no es capaz de completar este cuestionario en Ingles, llame por teléfono al Agente de la Junta lo mas pronto posible.) This questionnaire is to be completed as accurately as possible to provide evidence to support the allegation(s) in the charge that the Employer has violated Section 8(a)(1) and (5) of the Act by refusing and/or failing to furnish requested information which is necessary and relevant to the performance of collective bargaining functions. Once you have filled out this questionnaire, it will be considered confidential by the United States Government and will not be disclosed unless it becomes necessary for the Government to produce the questionnaire in connection with a formal proceeding.

**Your failure to return the completed questionnaire by the date set forth in the accompanying letter will result in the Board Agent recommending that the charge be dismissed for lack of cooperation.**

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<sup>1</sup> **PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further an unfair labor practice or representation case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

If there is anything on this questionnaire that you do not understand or have questions about, call the Regional Office. If you need additional space for any answers, you may attach additional pages.

## **I. THE REQUEST FOR INFORMATION**

(If more than one request was made, answer questions 1 through 8 for each request.)

1. How was the request for information made? In writing? (Attach a copy of any writing) By telephone? In a face to face conversation?
2. Name and title of the person who made the Request for Information.
3. Name and title of the person to whom the Request for Information was made.
4. Where was the Request for Information presented to the Employer?
5. On what date was the Request presented to the Employer?
6. What information was requested?

7. Why is requested information necessary and relevant to the collective-bargaining functions of the Union? (Be as specific as possible. Generalized statements such as “to prepare for negotiations” or “to police the collective-bargaining agreement” have been found by the Board to be insufficient.)
  
  
  
  
  
  
  
  
  
  
8. When and how did the Union tell the Employer why the requested information was necessary and relevant? Which Employer representative was told this?

## **II. THE EMPLOYER’S RESPONSE TO THE REQUEST FOR INFORMATION**

1. Has any response whatsoever been given to the Request for Information?  
  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
2. If your answer to question 1 was “Yes”, please give the details below:
  - A. Who gave the response and how? (In writing, by telephone, in person?)

B. Date of the response?

C. What was the response?

D. Was any of the requested information provided?

Yes \_\_\_\_\_ No \_\_\_\_\_ If "Yes", what was provided?

E. If the response was in writing, provide a copy of it with the questionnaire.

F. After the Request for Information, have there been any written communications or verbal discussions with management concerning the request?

Yes \_\_\_\_\_ No \_\_\_\_\_



If “Yes”, please provide the details below of who was involved, when and where it occurred, and what was said. If there have been written communications, please provide a copy of each with this questionnaire.

### **III. GRIEVANCES CONCERNING THE REQUEST FOR INFORMATION**

1. Have any grievances been filed over the Employer’s failure to provide the requested information?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. If a grievance has been filed (please provide a copy), when was it filed? What is the current status of the grievance?

3. If there is a grievance pending, are you willing to have further processing of the above-captioned unfair labor practice charge held in abeyance under the Board's ***Dubo Manufacturing*** deferral policy while the grievance is processed to its conclusions? <sup>2/</sup>

Yes \_\_\_\_\_ No \_\_\_\_\_

4. If you are not willing to have the processing of the charge held in abeyance while the grievance is processed, please provide the specific reasons for your position:

---

<sup>2/</sup> Please be apprised that under the Board's ***Dubo*** policy, you have the following options:

(1) The individual and the charging union can continue to proceed in the grievance-arbitration machinery. So long as they do so and the grievance continues to be processed, the case pending before the Region will be deferred. Any arbitral award will be reviewed under ***Spielberg*** standards. ***Spielberg Mfg. Co.***, 112 NLRB 1080 (1955). If the award fails to meet such standards, complaint should issue, absent settlement, provided that the charge is determined to be meritorious.

(2) If the grievance-arbitration procedure is abandoned and the parties do not act inconsistently with such abandonment, the Region would continue to process the charge. However, there can obviously be no guarantee that the charge will be considered meritorious, the individual and the charging union may be left with no means of redress at all, since they have abandoned the grievance-arbitration machinery and they should ordinarily be time-barred from reinvoking it.

If a grievance is not currently pending, but one is filed over this matter after the submission of this questionnaire, please advise the Region immediately.

**IV. ANY OTHER INFORMATION RELATIVE TO THIS CASE YOU WISH TO PROVIDE?**

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION I HAVE PROVIDED ON THIS QUESTIONNAIRE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Telephone: \_\_\_\_\_  
(Street Address - include Apt. #)

\_\_\_\_\_  
(City, State and Zip Code)

**From:** [Blanco, Angelica](#)  
**To:** ["Witlin, Scott"; Robert Sacks](#)  
**Subject:** Bodega Studios, Case 31-CA-183570 et. al  
**Date:** Thursday, October 27, 2016 6:00:00 PM  
**Attachments:** [Charges Spreadsheet.xlsx](#)  
[Commerce Questionnaire.pdf](#)

---

Dear Mr. Witlin and Mr. Sacks:

This is to confirm whether you will be handling any or all of the 45 related failure to furnish information charges that IATSE filed against 45 production companies. Attached please find a spreadsheet with each case number and employers involved in each case. If you are handling this matter on behalf of the employers, I request that you submit a Questionnaire on Commerce Information (see attached form) in each case.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Kind Regards,

Angelica

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nrlb.gov](mailto:angelica.blanco@nrlb.gov)

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<b>Case Number</b>	<b>Case Name</b>
31-CA-183570	Bodega Studios
31-CA-183571	B-Reel Films
31-CA-183572	Supply & Demand
31-CA-183573	Rattling Stick
31-CA-183574	Pulse Films USA
31-CA-183575	PSYOP TV
31-CA-183585	Raucous Content
31-CA-183593	Station Film, Inc.
31-CA-183594	Washington Square Films, Inc.
31-CA-183596	Radical Media, LLC
31-CA-183597	a WHITELABEL product
31-CA-183598	Go Film
31-CA-183599	Gifted Youth, Inc.
31-CA-183600	Reset Content
31-CA-183602	Hungry Man, Inc.
31-CA-183604	Hey Baby TV
31-CA-183605	D'Avant-Garde Media
31-CA-183607	Company Films
31-CA-183614	CMS Production
31-CA-183618	Anonymous Content, LLC
31-CA-183620	Caviar Los Angeles
31-CA-183621	Tool of North America
31-CA-183622	Wild Plum
31-CA-183623	World War Seven Studios
31-CA-183624	The Directors Bureau
31-CA-183625	Epoch Media
31-CA-183631	Biscuit Filmworks
31-CA-183634	Backyard
31-CA-183636	RSA Films, Inc.
31-CA-183639	Smuggler, Inc.
31-CA-183643	Skunk Partners LLC
31-CA-183644	Fancy Content, Inc.
31-CA-183646	The Sweet Shop Films LLC
31-CA-183651	Community Films
31-CA-183652	Palmer Productions
31-CA-183653	O Positive, LLC
31-CA-183654	MJZ
31-CA-183655	Kantara
31-CA-183657	PRETTYBIRD
31-CA-183658	Picrow
31-CA-183659	Pecubu Productions
31-CA-183660	Bob Industries
31-CA-183707	Park Pictures, LLC
31-CA-183709	Moxie Pictures
31-CA-183710	Identity

**From:** [Blanco, Angelica](#)  
**To:** [leslie@ialocal871.org](mailto:leslie@ialocal871.org); "Andrew Kahn"  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al  
**Date:** Thursday, October 27, 2016 5:22:00 PM  
**Attachments:** [Information Request Questionnaire.pdf](#)  
[Charges Spreadsheet.xlsx](#)

---

Dear Ms. Simon and Mr. Khan:

Thank you for the questionnaires you submitted in connection with the above-referenced cases. Unfortunately we did not receive a questionnaire for Case 31-CA-183658 (Picrow). Please submit a completed questionnaire in that case. Additionally, I have the following questions for each of the 45 cases.

With respect to the information that was requested, you stated in each questionnaire that the Union requested names and contact information for freelance production office personnel. You also indicated that each Employer failed to respond to the Request for Information. However, the copies of each Request for Information you furnished to the Region indicate that you requested the following from each Employer:

- (1) a copy of all Call Sheets for commercials produced by [the Employer] in the Los Angeles area for commercials produced since January 1<sup>st</sup>, 2016;
- (2) a list of all freelance employees in the classifications of "Production Manager," "Assistant Production Manager," "Production Supervisor," "Assistant Production Supervisor," "Production Coordinator," and/or "Assistant Production Coordinator" employed by [the Employer] since January 1<sup>st</sup>, 2016 including his or her name, phone number, e-mail address, mailing address, dates of employment and classification(s) in which employed;
- (3) a copy of any and all documents that describe, or at a minimum mention, the job duties and/or the terms and conditions of employment, of freelance employees hired in the job classifications of "Production Manager," "Assistant Production Manager," "Production Supervisor," "Assistant Production Supervisor," "Production Coordinator," and/or "Assistant Production Coordinator" since January 1<sup>st</sup>, 2016. Such documents shall include but not be limited to the following: "Production Guidelines" or "Production Office Checklist."

For each case, please confirm whether the Employer provided information responsive to requests (1) and (3). If so, what was provided and when? Please provide a copy of each Employer's response.

For each case, please confirm whether the only information the Employer has failed to provide is request (2). If so, what defenses did the Employer raise? Was the Employer's defense communicated to the Union in writing? If so, please provide a copy. Did the Union notify the Employer that request (2) still remained outstanding? If so, when? Was this communicated to the Employer in writing? If so, please provide a copy. Did the Employer respond to the Union's follow-up? If so, when and what was the Employer's response? Did the Employer respond in writing? If so, please provide a copy of the Employer's response.

Please provide a completed questionnaire for Case 31-CA-183658, as well as the information requested above, **by the close of business on Thursday, November 3, 2016.**

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Kind Regards,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Wednesday, September 28, 2016 10:22 AM  
**To:** leslie@ialocal871.org; 'Andrew Kahn' <akahn@iatse.net>  
**Subject:** Bodega Studios, Case 31-CA-183570 et. al

Dear Ms. Simon and Mr. Khan:

This is to request your evidence in support of the above-referenced 45 charges. Please see the attached spreadsheet with the case name and case number of all the cases for which I am requesting your evidence. Attached to this email you will also find an Information Request Questionnaire. I will need you to provide the information requested in the Questionnaire for each case.

For each case, please make sure to provide copies of each Information Request submitted to each employer. Please also provide copies of each employer's responses to the Information Request and any subsequent communications with each employer. Please clearly state what information each employer provided to the Union in response to the Union's Information Request and clearly state what information remains outstanding.

To resolve this matter as expeditiously as possible, I request that you provide your evidence in support of these charges **by the close of business on Wednesday, October 12, 2016.**

Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB case number, and follow the detailed instructions.

Thank you for your anticipated cooperation. Please feel free to contact me if you have any questions.

Regards,

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nlr.gov](mailto:angelica.blanco@nlr.gov)

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**From:** [Andrew Kahn](#)  
**To:** [Blanco, Angelica](#)  
**Subject:** RE: Bodega Studios, Case 31-CA-183570, et. al  
**Date:** Friday, October 28, 2016 6:43:48 PM

---

While we disagree with your indication that a charge is bad if filed prematurely but then by the time it is investigated it is no longer premature, we are not interested in debating this issue because it will delay issuance of complaint on other long pending charges. Therefore we will withdraw the listed charges. We received no letter on behalf of any remaining respondents setting forth any defenses. I inquired about the time period covered by this charge in prior correspondence with AICP counsel who took same position as already in correspondence sent you, and thus it was futile to repeat my position to them that optin was wrong. But I tried nonetheless to persuade them to give us the more recent contact info. Next week i will send you every email we exchanged on this issue after the last ones that were the with my last position statement.

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Blanco, Angelica" <Angelica.Blanco@nlrb.gov>  
**Date:** 10/28/2016 12:21 (GMT-08:00)  
**To:** Andrew Kahn <akahn@iatse.net>  
**Cc:** leslie@ialocal871.org  
**Subject:** RE: Bodega Studios, Case 31-CA-183570, et. al

Thank you Andrew. I will process your request to withdraw Case 31-CA-183658.

With respect to my other questions, if the Union is only pursuing request (2), please respond to my questions concerning that request. Please provide copies of the Employers' response to your request (i.e. emails, letters, etc.). Did the Employer raise any defenses? Did the Union follow-up with the Employers after it received the Employers' initial response? If so, please provide a copy of the Union's follow-up. Your questionnaires indicate that this information was already made available to the Region in the prior charges. However, it was my understanding that that evidence pertained to the September 14, 2015 Request for Information. Please provide copies of communications between the parties that are relevant to the instant cases.

Also, I noticed that in the following cases, you filed the charge the same day that the Union submitted the Request for Information to the Employer, or shortly after but before the deadline for the Employer to produce the information. Please confirm whether the Union wishes to proceed on these cases regardless.

Case Number	Employer	Info Requested	Charge Filed
31-CA-183571	B-Reel Films	8/24/2016	8/30/2016
31-CA-183573	Rattling Stick	8/24/2016	8/30/2016
31-CA-183575	PSYOP TV	8/24/2016	8/30/2016
31-CA-183585	Raucous Content	8/30/2016	8/30/2016
31-CA-183594	Washington Square Films, Inc.	8/30/2016	8/30/2016
31-CA-183598	Go Film	8/24/2016	8/30/2016
31-CA-183599	Gifted Youth, Inc.	8/30/2016	8/30/2016
31-CA-183604	Hey Baby TV	8/24/2016	8/30/2016
31-CA-183607	Company Films	8/24/2016	8/30/2016
31-CA-183624	The Directors Bureau	8/30/2016	8/30/2016
31-CA-183652	Palmer Productions	8/30/2016	8/30/2016
31-CA-183660	Bob Industries	8/30/2016	8/30/2016

Thank you,

Angelica

---

**From:** Andrew Kahn [mailto:akahn@iatse.net]  
**Sent:** Friday, October 28, 2016 10:51 AM  
**To:** Blanco, Angelica <Angelica.Blanco@nlrb.gov>  
**Cc:** leslie@ialocal871.org  
**Subject:** RE: Bodega Studios, Case 31-CA-183570 et. al

Yes we are withdrawing that. I thought my email responded to those other questions by assuring the Region that we do not want to pursue a charge over the other requests we made (we have no reason to believe these employers actually have job descriptions, so we don't think CGC should pursue that issue and complicate what is otherwise a good and relatively-simple case). Or do you want us to send over every call sheet received from AICP counsel ? Because that's all we got back in response to the requests (and not from every company, but always redacted to omit the production office contact info).

Andrew Kahn, Esq.

West Coast Counsel

IATSE

10045 Riverside Dr.

Toluca Lake CA 91602

(818) 980-3499

---

**From:** Blanco, Angelica [<mailto:Angelica.Blanco@nrlb.gov>]

**Sent:** Friday, October 28, 2016 8:57 AM

**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>

**Cc:** [leslie@ialocal871.org](mailto:leslie@ialocal871.org)

**Subject:** RE: Bodega Studios, Case 31-CA-183570 et. al

Good morning Mr. Khan,

Just to clarify, is the Union withdrawing the charge against Picrow, Case 31-CA-183658?  
Please confirm.

I look forward to your responses to my questions below.

Thank you for your assistance in this matter.

Regards,

Angelica

---

**From:** Andrew Kahn [<mailto:akahn@iatse.net>]  
**Sent:** Thursday, October 27, 2016 6:27 PM  
**To:** Blanco, Angelica <[Angelica.Blanco@nlrb.gov](mailto:Angelica.Blanco@nlrb.gov)>  
**Cc:** [leslie@ialocal871.org](mailto:leslie@ialocal871.org)  
**Subject:** RE: Bodega Studios, Case 31-CA-183570 et. al

We withdraw charge vs Picrow. We do not want to expand charge beyond production office contact info which no companies have produced (nor explained their refusal beyond prior explanation by their bargaining agent AICP and its counsel already supplied you.) There has been no refusal to produce the other info so we dont consider a charge on such info to be ripe, nor is the info vital compared to contact info of prodn office personnel. Some employers have supplied call sheets but always with redaction of production office.

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

----- Original message -----

From: "Blanco, Angelica" <[Angelica.Blanco@nlrb.gov](mailto:Angelica.Blanco@nlrb.gov)>  
Date: 10/27/2016 15:21 (GMT-08:00)  
To: [leslie@ialocal871.org](mailto:leslie@ialocal871.org), Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
Subject: FW: Bodega Studios, Case 31-CA-183570 et. al

Dear Ms. Simon and Mr. Khan:

Thank you for the questionnaires you submitted in connection with the above-referenced cases. Unfortunately we did not receive a questionnaire for Case 31-CA-183658 (Picrow). Please submit a completed questionnaire in that case. Additionally, I have the following questions for each of the 45 cases.

With respect to the information that was requested, you stated in each questionnaire that the Union requested names and contact information for freelance production office personnel. You also indicated that each Employer failed to respond to the Request for Information. However, the copies of each Request for Information you furnished to the Region indicate that you requested the following from each Employer:

- (1) a copy of all Call Sheets for commercials produced by [the Employer] in the Los Angeles area for commercials produced since January 1<sup>st</sup>, 2016;
- (2) a list of all freelance employees in the classifications of "Production Manager,"

“Assistant Production Manager,” “Production Supervisor,” “Assistant Production Supervisor,” “Production Coordinator,” and/or “Assistant Production Coordinator” employed by [the Employer] since January 1<sup>st</sup>, 2016 including his or her name, phone number, e-mail address, mailing address, dates of employment and classification(s) in which employed;

- (3) a copy of any and all documents that describe, or at a minimum mention, the job duties and/or the terms and conditions of employment, of freelance employees hired in the job classifications of “Production Manager,” “Assistant Production Manager,” “Production Supervisor,” “Assistant Production Supervisor,” “Production Coordinator,” and/or “Assistant Production Coordinator” since January 1<sup>st</sup>, 2016. Such documents shall include but not be limited to the following: “Production Guidelines” or “Production Office Checklist.”

For each case, please confirm whether the Employer provided information responsive to requests (1) and (3). If so, what was provided and when? Please provide a copy of each Employer’s response.

For each case, please confirm whether the only information the Employer has failed to provide is request (2). If so, what defenses did the Employer raise? Was the Employer’s defense communicated to the Union in writing? If so, please provide a copy. Did the Union notify the Employer that request (2) still remained outstanding? If so, when? Was this communicated to the Employer in writing? If so, please provide a copy. Did the Employer respond to the Union’s follow-up? If so, when and what was the Employer’s response? Did the Employer respond in writing? If so, please provide a copy of the Employer’s response.

Please provide a completed questionnaire for Case 31-CA-183658, as well as the information requested above, **by the close of business on Thursday, November 3, 2016.**

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Kind Regards,

Angelica

---

**From:** [Blanco, Angelica](#)  
**To:** ["Andrew Kahn"](#)  
**Cc:** [Jacob White](#); [leslie@ialocal871.org](mailto:leslie@ialocal871.org)  
**Subject:** RE: Request for extension  
**Date:** Monday, October 31, 2016 1:23:00 PM

---

Good morning Mr. Kahn,

Your request for an extension to Friday, November 4, 2016, is granted.

Thank you,

Angelica

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**From:** Andrew Kahn [mailto:[akahn@iatse.net](mailto:akahn@iatse.net)]  
**Sent:** Monday, October 31, 2016 10:36 AM  
**To:** Blanco, Angelica <[Angelica.Blanco@nrlrb.gov](mailto:Angelica.Blanco@nrlrb.gov)>  
**Cc:** Jacob White <[jwhite@iatse.net](mailto:jwhite@iatse.net)>; [leslie@ialocal871.org](mailto:leslie@ialocal871.org)  
**Subject:** Request for extension

I'm leaving IATSE end of this week and there is a new strike so things are a little busier than I expected so I may not be able to get the AICP correspondence over to you until Friday, I trust that won't be a problem. After Friday on these cases please contact Jake White at this office who will be taking over for me, thanks.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499



**From:** [Chang, Tom K.](#)  
**To:** [Blanco, Angelica](#)  
**Subject:** RE: 31-CA-173838, Anonymous Content, LLC  
**Date:** Tuesday, November 1, 2016 5:17:31 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

(b) (5)



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**From:** Blanco, Angelica  
**Sent:** Tuesday, November 01, 2016 3:15 PM  
**To:** Chang, Tom K. <[Tom.Chang@nrlb.gov](mailto:Tom.Chang@nrlb.gov)>  
**Subject:** RE: 31-CA-173838, Anonymous Content, LLC

(b) (5)



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**From:** Chang, Tom K.  
**Sent:** Tuesday, November 01, 2016 3:13 PM  
**To:** Blanco, Angelica <[Angelica.Blanco@nrlb.gov](mailto:Angelica.Blanco@nrlb.gov)>  
**Cc:** Chang, Tom K. <[Tom.Chang@nrlb.gov](mailto:Tom.Chang@nrlb.gov)>  
**Subject:** FW: 31-CA-173838, Anonymous Content, LLC

(b) (5)



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**From:** Hernandez, Steve [<mailto:Steve.Hernandez@btlaw.com>]  
**Sent:** Friday, October 21, 2016 3:16 PM  
**To:** Chang, Tom K. <[Tom.Chang@nrlb.gov](mailto:Tom.Chang@nrlb.gov)>  
**Subject:** 31-CA-173838, Anonymous Content, LLC


Mr. Chang,

As you likely know, my firm, Barnes & Thornburg, LLP represents Anonymous Content and other employers in the above-captioned charge and the related charges filed by IATSE. Scott Witlin, who

has been handling these cases, asked me to contact you to discuss the status of these charges as well as new, seemingly related charges filed by IATSE. I called the number I have for you and I received a busy signal. Would you be so kind as to give me a call at your convenience to discuss?

Best regards,

Steve




[VCard](#) | [Bio](#) | [Dept Info](#)

**Steve L. Hernández**  
Partner  
[steve.hernandez@btlaw.com](mailto:steve.hernandez@btlaw.com)

Phone: (310) 284-3775  
Fax: (310) 284-3894  
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Barnes & Thornburg LLP  
2029 Century Park East  
Suite 300  
Los Angeles, CA 90067-2904



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**From:** (b) (6), (b) (7)(C)  
**To:** [Blanco, Angelica](#)  
**Cc:** [Andrew Kahn](#); [Jacob White](#); [leslie@ialocal871.org](mailto:leslie@ialocal871.org)  
**Subject:** IATSE Request for Contact Information  
**Date:** Tuesday, November 1, 2016 5:21:30 PM  
**Attachments:** [2016.07.22 AJK from R Sacks re Call Sheets Requested in Grievances and Info Requests.pdf](#)  
[AICP Emails.pdf](#)  
[2016.09.13 AJK from R Sacks re Call Sheets and Production Guidelines Requested in Grievances and Info Requests.pdf](#)

---

Dear Ms. Blanco:

Per your request, here is all the correspondence between the parties about IATSE's request for contact information that postdates the prior position statement.

Andrew J. Kahn  
West Coast Counsel  
I.A.T.S.E.  
10045 Riverside Dr., 2<sup>nd</sup> Floor  
Toluca Lake, CA 91602  
Tele: (818)980-3499  
Fax: (818)980-3496

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**KANE KESSLER, P.C.**

**1350 Avenue of the Americas**

**New York, N.Y. 10019**

**(212) 519-5184**

**RSacks@kanekessler.com**

**DATE:** July 22, 2016

**TO:** Andrew Kahn, Esq.  
West Coast IATSE Counsel

**FROM:** Robert L. Sacks  
Scott Witlin

**CC:** Jane Nunez, VP of Labor Relations AICP  
Michael Lydakis, Esq.  
(b) (6), (b) (7)(C)

**RE:** **Call Sheets Requested in Grievances and Information Requests**

As you may be aware, Leslie Simon has filed a number of grievances and requested information in connection with those grievances. While we are unaware of her having been appointed by the IATSE as the Article III representative under the CPA, we are providing you with the following. If the IATSE has appointed Ms. Simon as the Article III representative under the CPA, we, of course, will honor that designation. In the same vein, for our meeting in LA with you on Monday, July 25, we understand that you as IATSE West Coast Counsel and representative of the IATSE will be present along with other representatives of the IATSE, the named bargaining representative under the CPA.

In any event, as with prior responses, we are providing the information attached to you as IATSE West Coast Counsel. Attached (and transmitted herewith) are requested call sheets for commercial jobs shot in LA County under the Commercial Production Agreement ("CPA") for the period January 1, 2016 through July 1, 2016. This information is submitted on behalf of the following signatories to the CPA who have been grieved:

1. Caviar, LLC
2. Community Films
3. D'Avant Garde Media
4. Moxie Pictures, Inc.
5. Pecubu Productions
6. Pretty Bird Pictures, Inc.
7. Reset Content, LLC
8. World War Seven

Consistent with our prior practice, the call sheets show IATSE crew and the names of Production Supervisors. Other information has been redacted as private, confidential and not relevant to the

inquiry. Please note that the above call sheets represent more than 300 additional commercial productions. Submission of this information does not represent agreement with the grievance or an admission of any kind and all rights and defenses are reserved. In addition, the undertaking of preparing this growing volume of information is an increasing burden and we reserve the right to bargain with IATSE over the costs involved in providing this information. Lastly, we are willing to continue to discuss the Opt-In Procedure and the Tolling Agreement in an effort to reach agreement over those documents.

Responses to other requests contained in the Grievances/RFI's are being processed for production and we will address with you any concerns and questions relating to those requests.

Please feel free to contact us to discuss any concerns you may have.



**KANE KESSLER, P.C.**

666 Third Avenue  
New York, N.Y. 10017  
(212) 519-5184

RSacks@kaneessler.com

**DATE:** September 13, 2016

**TO:** Andrew Kahn, Esq.  
West Coast IATSE Counsel

**FROM:** Robert L. Sacks  
Scott Witlin

**CC:** Jane Nunez, VP of Labor Relations AICP  
Michael Lydakis, Esq.  
(b) (6), (b) (7)(C)

**RE:** Call Sheets Requested in Grievances and Information Requests  
Production Guidelines Requested and Grievances and Information Requests

Continuing in our production of documents requested by IATSE relating to the numerous grievances and RFIs received by AICP companies, we are providing the information attached to you as IATSE West Coast Counsel. Attached (and transmitted herewith) are requested production guidelines and call sheets for commercial jobs shot in LA County under the Commercial Production Agreement ("CPA") for the period January 1, 2016 through August 31, 2016. This information is submitted on behalf of the following signatories to the CPA who have been grieved:

Production Guidelines

1. Biscuit Filmworks – BISCUIT 000140 – BISCUIT 000211
2. Community Films – COMMUNITY 000036 – COMMUNITY 000045
3. D'Avant Garde Media – DAVANTGARDE 000023 – DAVANTGARDE 000024
4. Epoch Media Group – EPOCH 000026 – EPOCH 000054
5. Park Pictures – PARK 000025 – PARK 000095
6. Picrow, Inc. – PICROW 000041
7. Prettybird Pictures, Inc. – PRETTYBIRD 000122 – PRETTYBIRD 000176
8. Smuggler, Inc. – SMUGGLER 000165 – SMUGGLER 000191

Call Sheets

1. Epoch Media Group – EPOCH 000001 – EPOCH 000025
2. RSA Films, Inc. – RSA 000001 – RSA 000064
3. Supply & Demand – SD 000001 – SD 000066

Consistent with our prior practice, the call sheets show IATSE crew and the names of Production Supervisors. Production Guidelines show, *inter alia*, responsibilities of Production Supervisors and other job categories. Other information has been redacted as private, confidential and not relevant to

424552v1



the inquiry. To date, AICP members have provided call sheets representing more than 500 commercial productions. Submission of this information does not represent agreement with the grievance or an admission of any kind and all rights and defenses are reserved. In addition, the undertaking of preparing this growing volume of information is an increasing burden and we reserve the right to bargain with IATSE over the costs involved in providing this information. Lastly, we are willing to continue to discuss the Opt-In Procedure and the Tolling Agreement in an effort to reach agreement over those documents.

Responses to other requests contained in the Grievances/RFI's are being processed for production and we will address with you any concerns and questions relating to those requests.

Please feel free to contact us to discuss any concerns you may have.

**From:** [Blanco, Angelica](#)  
**To:** [\(b\) \(6\), \(b\) \(7\)\(C\)@epochfilms.com"](#)  
**Subject:** Epoch Media, Case 31-CA-183625  
**Date:** Friday, November 4, 2016 7:30:00 PM  
**Attachments:** [Epoch Media.pdf](#)  
[NLRB 5081 - Commerce.pdf](#)

---

Dear (b) (6), (b) (7)(C):

I am the National Labor Relations Board agent assigned to investigate the above-referenced charge. Please see the request for evidence attached to this email. If you will be represented by an attorney, please forward this request for evidence to your attorney as soon as possible and have him/her file a notice of appearance. Please note that your evidence is due on November 18, 2016.

Thank you for your anticipated cooperation. Please do feel free to contact me if you have any questions.

Kind Regards,

Angelica

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nrlb.gov](mailto:angelica.blanco@nrlb.gov)

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 31  
11500 W Olympic Blvd Ste 600  
Los Angeles, CA 90064-1753

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (310)235-7351  
Fax: (310)235-7420

Agent's Direct Dial: (310)307-7326

November 4, 2016

**Via E-Mail:** (b) (6), (b) (7)(C)@epochfilms.com

(b) (6), (b) (7)(C)

Epoch Media  
9290 Civic Center Dr.  
Beverly Hills, CA 90210

Re: Epoch Media  
Case 31-CA-183625

Dear (b) (6), (b) (7)(C):

The Charging Party, International Alliance of Theatrical Stage Employees ("Union"), has provided its evidence in support of the above-referenced charges. This letter serves to advise you that it is now necessary for me to take evidence from Epoch Media ("Employer") regarding the allegations raised by the Union and to afford you an opportunity to fully cooperate with the Region in its investigation. "Full cooperation" includes 1) making individuals available to me so that I can take sworn affidavits; 2) presenting copies of documentation pertinent to the allegations; 3) providing a detailed position statement, including citations to relevant Board law; and 4) providing anything additional that you believe will assist the Region in making a decision on the charge.

Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

**Allegations:** The allegations for which I am seeking your evidence are as follows.

The Union alleges that the Employer violated Section 8(a)(1) and (5) of the Act by failing and/or refusing to provide the Union with the names and contact information of personnel employed in the Employer's production offices. Specifically, the Union contends the following:

- On or about 7/22/2016, the Union requested that the Employer provide, among other information, the following information numbered 2 in the Union's information request:

(2) a list of all freelance employees in the classifications of “Production Manager,” “Assistant Production Manager,” “Production Supervisor,” “Assistant Production Supervisor,” “Production Coordinator,” and/or “Assistant Production Coordinator” employed by Epoch Media since January 1, 2016, including his or her name, phone number, e-mail address, mailing address, dates of employment and classification(s) in which employed.

- The Union explained to the Employer that the requested information was necessary to investigate the grievance filed simultaneously with the information request.
- The Employer has failed to provide the Union with the above requested information.

**Board Affidavits:** I am requesting to take affidavits from any individuals you believe have information relevant to the investigation of this matter. Please be advised that if you do not allow the Board agent to take sworn affidavits from representatives who may have relevant information, the Agency will consider that to constitute less than complete cooperation in the investigation of the charge.

**Position Statement and Documentary Evidence:** In addition to the Board affidavits as set forth above, I am requesting that you submit a statement of position addressing the Union’s allegations, along with any and all supporting documentary evidence. Please also state your legal theory, citing relevant Board law if applicable, regarding whether the above allegations constitute violations of Section 8(a)(1) and (5) of the Act.

Additionally, please respond to the following:

1. Did the Employer provide any of the requested information? If so, what information was provided? On what dates?
2. To the extent the Employer did not provide all of the requested information, what defenses or objections (if any) did the Employer raise in its response(s) to the Union?
3. Provide copies of any and all correspondence between the Employer and the Union relating to the information requests subject to this charge.
4. Provide a completed Questionnaire on Commerce Information Form NLRB-5081.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter **by the close of business on November 18, 2016**. If you are willing to allow me to take affidavits, please contact me by **November 10, 2016** to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **[www.nlrb.gov](http://www.nlrb.gov)**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (310)307-7326, or e-mail, [angelica.blanco@nrb.gov](mailto:angelica.blanco@nrb.gov), so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Sincerely,

/s/ Angelica Blanco

Angelica Blanco  
Board Agent

**PLEASE REVIEW THE FOLLOWING  
IMPORTANT INFORMATION BEFORE FILLING OUT A  
QUESTIONNAIRE ON COMMERCE INFORMATION FORM!**

Please call the Board Agent to whom the pending charge or petition is assigned for assistance in completing the questionnaire on commerce information form. The Agent will be happy to answer your questions about the information requested on the form. This form should be completed by your representative best qualified to give information concerning the legal status, revenues, as well as, operations of your business.

In Questions 3, 4, 5 and 6, please provide all information requested including applicable zip codes and suite numbers.

Under Questions 10A through F, check the appropriate box for question. If you are required to indicate a dollar amount in Questions 10A through F, do so in the box to the immediate right of the question. If the information requested under Questions 10 through E is not applicable to your business, state the same in the box to the immediate right of the question.

After completing the questionnaire on commerce information form, be sure that the authorized representative completing the questionnaire on commerce signs and dates the questionnaire and mails, faxes or hand delivers the completed questionnaire to the appropriate Regional Office.

The information provided in the questionnaire on commerce information should be based on your business records reflecting the total yearly amount of business done by your enterprise or the yearly amount of your sales or of your purchases.

Be sure to include the telephone number of the party best qualified to provide further information concerning the operations of your business.

The completed questionnaire on commerce information should be submitted to the Board Agent to whom the pending charge or petition is assigned. If charges or petitions are pending in two or more Regions, a Board Agent to whom any of the pending charge or petition is assigned will be happy to assist you in locating the appropriate Regional Office in which to file the questionnaire on commerce information.



## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office.  
If additional space is required, please add a page and identify item number.

CASE NAME		CASE NUMBER	
1. EXACT LEGAL TITLE OF ENTITY ( <i>As filed with State and/or stated in legal documents forming entity</i> )			
2. TYPE OF ENTITY <input type="checkbox"/> CORPORATION <input type="checkbox"/> LLC <input type="checkbox"/> LLP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> OTHER ( <i>Specify</i> )			
3. IF A CORPORATION OR LLC A. STATE OF INCORPORATION OR FORMATION    B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES			
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS			
5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR			
6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS ( <i>Products handled or manufactured, or nature of services performed</i> )			
7A. PRINCIPAL LOCATION		7B. BRANCH LOCATIONS	
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED A. TOTAL                                      B. AT THE ADDRESS INVOLVED IN THIS MATTER			
9. DURING THE MOST RECENT ( <i>Check the appropriate box</i> ): <input type="checkbox"/> CALENDAR <input type="checkbox"/> 12 MONTHS or <input type="checkbox"/> FISCAL YEAR    FY DATES			
		YES	NO
A. Did you <b>provide services</b> valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.			
B. If you answered no to 9A, did you <b>provide services</b> valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.			
C. If you answered no to 9A and 9B, did you <b>provide services</b> valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount.			
D. Did you <b>sell goods</b> valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount.			
E. If you answered no to 9A and 9B, did you <b>sell goods</b> valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.			
F. Did you <b>purchase and receive goods</b> valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.			
G. Did you <b>purchase and receive goods</b> valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount.			
H. <b>Gross Revenues</b> from all sales or performance of services ( <i>Check the largest amount</i> ): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more <i>If less than \$100,000, indicate amount.</i>			
I. Did you begin operations within the last 12 months? If yes, specify date:			
10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYEE GROUP THAT ENGAGES IN COLLECTIVE BARGAINING? <input type="checkbox"/> YES <input type="checkbox"/> NO    ( <i>If yes, name and address of association or group</i> )			
11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS			
NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE			
NAME AND TITLE	SIGNATURE	E-MAIL ADDRESS	DATE

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Witlin, Scott](#)  
**Subject:** RE: You TA and OIP April 29.  
**Date:** Monday, May 02, 2016 10:55:06

---

Andrew

Scott is out of pocket in negotiations on Thursday. How are you Friday?

Robert L. Sacks  
Counsel  
**KANE KESSLER, P.C.**  
1350 Avenue of the Americas  
New York, New York 10019  
Direct Dial: 212.519.5184  
Main: 212.541.6222  
Fax: 212.245.3009  
[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)  
[www.kanekessler.com](http://www.kanekessler.com)

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**From:** Andrew Kahn [<mailto:akahn@iatse.net>]  
**Sent:** Sunday, May 01, 2016 9:19 PM  
**To:** Sacks, Robert  
**Subject:** RE: You TA and OIP April 29.

Thursday fine all day. How about 10am my time? (Good luck with jury duty!)

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

----- Original message -----

From: "Sacks, Robert" <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
Date: 05/01/2016 6:12 PM (GMT-08:00)  
To: Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>, James Varga <[jvarga@iatse.net](mailto:jvarga@iatse.net)>, [Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)  
Subject: You TA and OIP April 29.

Andrew

I have federal jury duty starting tomorrow and possibly extending for a few days.  
Can we set a time for a call on Thursday to go over your latest TA and OIP? We will aim to go over all issues in

order to resolve.

Thanks

Sent from my iPhone

**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#); [Witlin, Scott](#)  
**Subject:** RE: Further info re your proposal  
**Date:** Thursday, May 05, 2016 11:20:39

---

Andrew

Jury duty was not a problem. (b) (6), (b) (7)(C)

Yes we are on for tomorrow.

In the interests of clarity with regard to paralegals, on April 11 you wrote **“There is no reason such an interview cannot be done by non-lawyers. Many law firms use paralegals for interviewing and an experienced union rep often functions as a paralegal.”**

Based on this, we agreed to use paralegals from the law firm. If none of the law firm’s paralegals are “certified” then we will dispense with that element.

Robert L. Sacks  
Counsel  
**KANE KESSLER, P.C.**  
1350 Avenue of the Americas  
New York, New York 10019  
Direct Dial: 212.519.5184  
Main: 212.541.6222  
Fax: 212.245.3009  
[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)  
[www.kanekessler.com](http://www.kanekessler.com)

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**From:** Andrew Kahn [mailto:[akahn@iatse.net](mailto:akahn@iatse.net)]  
**Sent:** Thursday, May 05, 2016 1:41 PM  
**To:** Witlin, Scott; Sacks, Robert  
**Subject:** Further info re your proposal

Local 871’s outside lawfirm has just confirmed for me that none of its paralegals are certified. So AICP is in essence forcing Local 871 to hire another lawfirm, which is unacceptable both as a practical matter and an NLRA violation in itself. That firm also advises that its paralegal billing rates are \$100-150 per hour, also unacceptably expensive for surveying workers about job duties. This is just for your info in crafting proposals, you need not respond, I will talk to you tomorrow (I hope jury duty has been pleasant!).

Andrew Kahn, Esq.  
Associate West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

**From:** Andrew Kahn  
**To:** ["Matt Miller"; "Sacks, Robert"; "janen@aicp.com"](#)  
**Subject:** Meeting on POC issue  
**Date:** Tuesday, June 14, 2016 10:38:00

---

Your suggestion of meeting the week of July 25<sup>th</sup> in LA has been accepted on our end: although Mike Miller is unable to make it that week, instead he has asked Assistant Director Vanessa Holtgrewe to cover for him (she would be joined by me, Steve Aredas and Leslie Simon). During that week Friday works best for everyone; in a pinch we could also do Monday or Thursday. We suggest starting at 10. We propose to host you at our office. Please let us know what works for you, thanks.

Andrew Kahn, Esq.  
Associate West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

---

**From:** Matt Miller [mailto:mattm@aicp.mmsend.com] **On Behalf Of** Matt Miller  
**Sent:** Monday, June 13, 2016 1:05 PM  
**To:** Andrew Kahn <akahn@iatse.net>  
**Subject:** Response To Letter Of June 6, 2016

[Please click here for online version.](#)



**NATIONAL OFFICERS**

**Ralph Laucella**  
*O Positive*  
Chairman

**Chip Houghton**  
*Imaginary Forces*  
Vice Chairman

**Robert Fernandez**  
*Moxie Pictures*  
Immediate Past Chairman

**Matthew Miller**  
*AICP*  
President & CEO

**Mark Andrew**  
*STORY*  
Treasurer

**VIA EMAIL**

IATSE  
207 W. 25th St.  
4th floor  
New York, NY 10001

Dear Mike:

I am in receipt of you **letter** dated June 6, 2016.

Despite the IATSE's continuous discounting of facts presented on several occasions prior to and at our meeting of June 15, 2015, and similar facts presented during the course of our recently concluded negotiations, we are open to continuing to discuss the issues surrounding your union's aggressive actions in the spirit of exhausting all avenues prior to arbitration.



Robert L. Sacks  
Kane Kessler, P.C.  
Secretary & Legal Counsel

**PAST CHAIRMEN**

Rich Carter  
*brother*

Bob Fisher  
*Celsius Films*

Mark Androw  
*STORY*

Frank Scherma  
*@radical.media*

Nick Wollner  
*Link Entertainment/1919 LLC*

Jon Kamen  
*@radical.media*

**LEGAL COUNSEL**

Robert L. Sacks  
Kane Kessler, P.C.

**AICP CHAPTERS**

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**NATIONAL OFFICE/LA**

Raleigh Studios  
650 North Bronson Avenue  
Suite 223 B  
Los Angeles, CA 90004  
(323) 960-4763

We are willing to meet to discuss procedure and substance, on behalf of the seven (7) companies that received individual grievances dated April 26, per the terms of the CPA. Those grievances contained additional requests for information and the status of the responses is another subject appropriate for discussion at our meeting. However, the dates proposed are not possible as I will be traveling abroad on business.

I will be in Los Angeles the week of July 25th, or if there are dates that you will be in New York in July, please do let me know and I will check with parties on our end to see if they might be possible.

Sincerely,



Matt Miller

CC: Andrew Kahn, Associate West Coast Counsel, IATSE  
Jane Nunez, VP, Labor Relations, AICP  
Robert L. Sacks, Kane Kessler  
Leslie Simon, Business Representative, Local 871

**NATIONAL OFFICE / HQ**

3 West 18th Street, 5th Floor · New York, NY 10011 · (212) 929-3000 · (212) 929-3359 Fax · [www.aicp.com](http://www.aicp.com)

3 West 18th Street, New York, NY 10011



**From:** [Witlin, Scott](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Robert Sacks](#)  
**Subject:** Call Sheets from 7 Grieved Companies.  
**Date:** Friday, June 17, 2016 14:55:12  
**Attachments:** [EC6BD6D1-553F-46F9-870C-D9C331B196C5\[25\].png](#)  
[CANONCOLOR Exchange 06-17-2016 09-55-20\[2\].pdf](#)

Andrew: Attached is a memo detailing our production and below is a link to the documents being produced. Please let us know if you have difficulty accessing a link. We will forward a disc with copies of the documents as well.

Have a good weekend.

Scott

**You have received 1 secure file from (b) (6), (b) (7)(C)@btlaw.com.**

Use the secure link below to download.

Minal,

Enclosed please find document productions for the following companies and bates ranges:

ANONYMOUS 000015 - ANONYMOUS 000082  
BISCUIT 000070 - BISCUIT 000139  
HUNGRYMAN 000039 - HUNGRYMAN 000092  
MJZ 000057- MJZ000158  
RADICALMEDIA 000047 - RADICALMEDIA 000121  
SMUGGLER 000088 - SMUGGLER 000164  
TOOLOOFNA 000025 - TOOLOOFNA 000044

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@btlaw.com

Barnes & Thornburg LLP  
2029 Century Park East, Suite 300  
Los Angeles, California 90067

(b) (6), (b) (7)(C)

(310) 284-3894 (Fax)

[www.btlaw.com](http://www.btlaw.com)

#### **Secure File Downloads:**

Available until: **17 July 2016**

Click link to download:

[2016-06-17 Production.zip](#)

202.04 MB, Fingerprint: 1a92f158d1f9e0ed925894b17d4673d8 ([What is this?](#))

You have received secure links within this email sent via [BTFileShare](#). To retrieve the files, please click on the links above. To learn how your company can benefit from Accellion Secure File Sharing, please visit <http://www.accellion.com>

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**Scott J. Witlin** | Partner

Barnes & Thornburg LLP

2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904

Direct: (310) 284-3777 | Mobile: (310) 936-7719 | Fax: (310) 284-3894



<!--[if !vml]--> **BARNES & THORNBURG** LLP <!--[endif]-->

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**KANE KESSLER, P.C.**  
1350 Avenue of the Americas  
New York, N.Y. 10019  
(212) 519-5184

RSacks@kanekessler.com

**DATE:** June 17, 2016

**TO:** Andrew Kahn, Esq.  
West Coast IATSE Counsel

**FROM:** Robert L. Sacks   
Scott Witlin

**CC:** Jane Nunez, VP of Labor Relations AICP  
Minal Khan, Esq.  
Michael Lydakakis, Esq.

**RE:** **Call Sheets Requested in April 26 Grievance and Information Request**

Attached (and transmitted herewith) are requested call sheets for commercial jobs shot in LA County under the Commercial Production Agreement ("CPA") for the period January 1, 2016 through May 3, 2016. The call sheets show IATSE crew and the names of Production Supervisors. Other information has been redacted as private, confidential and not relevant to the inquiry. This information is submitted on behalf of the following signatories to the CPA who have been grieved:

1. Anonymous Content
2. Biscuit Filmworks
3. Hungry Man, Inc.
4. MJZ
5. Radical Media, LLC
6. Smuggler, Inc.
7. Tool of North America

Please note that the above call sheets represent over 500 commercial productions. Submission of this information does not represent agreement with the grievance or an admission of any kind and all rights and defenses are reserved.

Responses to other requests contained in the Grievances/RFI's are being processed for production and we will address with you any concerns and questions relating to those requests. We propose that these call sheets and jobs be included under the provisions of the Opt-In Procedure and Tolling Agreement more fully discussed in the recent letter to you of June 17, 2016.

**From:** [Witlin, Scott](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Sacks, Robert](#)  
**Subject:** Re: PS on interviewing opt-ins  
**Date:** Friday, June 17, 2016 16:53:31  
**Attachments:** [EC6BD6D1-553F-46F9-870C-D9C331B196C5\[45\].png](#)  
[image001.png](#)

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My recollection was that it was your proposal to us.  
Hopefully, we will be able to find common ground nonetheless.

**Scott J. Witlin** | Partner  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: (310) 284-3777 Mobile: 310 936-7719 | Fax: (310) 284-3894

 **BARNES & THORNBURG** LLP  
<!--[if !vml]--> <!--[endif]-->  
Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington D.C.

---

**From:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Date:** Friday, June 17, 2016 at 4:47 PM  
**To:** Scott Witlin <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Cc:** Robert Sacks <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Subject:** RE: PS on interviewing opt-ins

Yes, I agreed to propose it to my client, and I did so, but it did not fly for the reasons stated.


---

**From:** Witlin, Scott [<mailto:Scott.Witlin@btlaw.com>]  
**Sent:** Friday, June 17, 2016 4:37 PM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>; Sacks, Robert <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Subject:** Re: PS on interviewing opt-ins

Andrew: We will review of course, but you do remember that you were the one that had suggested that Steve and Vanessa would be part of the group. We are not insisting on them. We are only trying to agree to names that you had proposed. Hopefully, we will find some people who we all can agree are interested only in determining if the facts under the agreement and not some other non-permitted purpose.

Have a good weekend and happy fathers day.

Scott  
**Scott J. Witlin** | Partner  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: 310 284-3777 Mobile: (310) 936-7719 | Fax: (310) 284-3894

 **BARNES & THORNBURG** LLP  
Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington D.C.

---

**From:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Date:** Friday, June 17, 2016 at 4:23 PM  
**To:** Robert Sacks <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>, Scott Witlin <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Subject:** PS on interviewing opt-ins

You can also tell your clients that the IA determined that for it to give the interviewing task to Steve and Vanessa, they'd have to cut the time they spend reducing nonunion competition with AICP-member producers, and we think both sides should prefer they focus on the latter. We very much want to work with AICP on that bigger problem. Any specifics AICP can provide us on which ad agencies are running non-union production depts we will take action on.

Have a great weekend!

Andrew Kahn, Esq.



Associate West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

---

**From:** Sacks, Robert [<mailto:RSacks@kanekessler.com>]  
**Sent:** Friday, June 17, 2016 4:11 PM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** Witlin, Scott <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Subject:** Re: Opt-In Procedures and Tolling Agreement

Andrew

As you undoubtedly have concluded, we will reply to you.

Have a good weekend!

Sent from my iPhone

On Jun 17, 2016, at 6:53 PM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

In response to the letter you sent today, the IA is of course willing to continue negotiating, but don't think there's much prayer of resolution given your proposal. The IA doesn't have the staff available to limit interviews to just IA staff, even if supplemented by outside counsel and paralegals, but obviously your deleting their rights now makes that workload burden on us even worse. The local's staff know vastly more about the work performed in the field than IA staff do and you would deprive the IA of that knowledge in doing interviews. We will not agree to any proposal that excludes Local 871 from the interview process. You should make a proposal that directly deals with your concern about interviews being used for organizing, rather than personalizing the issue and deeming the local incapable of compliance with contractual restrictions.

As for your proposed addition of job categories, it is very unclear (are you saying you won't include the CCs if the company uses APS?). In any event, your proposal is still unacceptable, because PS is the most common title used. We're simply not going to agree to any opt-in process that does not cover all the production office freelancers' titles (other than PA or DGA-represented UPM/AD) because then this process it is not going to possibly lead to resolution of any grievances (let alone most grievances, which is what process should be designed to do).

We remain resolute that because your client misinformed production office workers about 871 penalizing them simply for working nonunion, that misinformation must be corrected before or at the same time as any opt-in letter is sent, because no one will participate in a survey they think could easily lead to them paying tens of thousands of dollars in fines to 871.

Finally, we suggest AICP seriously rethink its objections to producing this data or at least using an opt-out process, because the IA is just going to subpoena this same information in arbitration. We doubt the arbitrator or a court asked to enforce an arbitral subpoena is going to insist on an opt-in process, particularly after your side engaged in campaigning against 871 so as to poison the well of employee attitudes, and there is no history of IA representatives threatening or coercing anyone. Moreover, there is no reason for your concern about organizing: if these workers are indeed supervisors as you claim, then the Local gathering an authorization card from such individuals would be for naught as the NLRB will not hold an election. If your view of their status under the contract and law is correct then you can even fire them for union organizing. So sorry, really all I see your side trying to do is block us from gathering evidence. But we are of course willing to discuss further.

Andrew Kahn, Esq.  
Associate West Coast Counsel

IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

---

**From:** Temp2 [<mailto:Temp2@kanekessler.com>]

**Sent:** Friday, June 17, 2016 11:17 AM

**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>; [Minal.Khan@btlaw.com](mailto:Minal.Khan@btlaw.com); [Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com); Lydakis, Michael <[MLydakis@kanekessler.com](mailto:MLydakis@kanekessler.com)>

**Cc:** Sacks, Robert <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>

**Subject:** Opt-In Procedures and Tolling Agreement

Sent on behalf of Robert L. Sacks.

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**From:** [Andrew Kahn](#)  
**To:** [Sacks, Robert](#)  
**Subject:** RE: Meeting Monday in LA  
**Date:** Friday, July 22, 2016 07:54:24

---

Steve Aredas already gave this info to Jane but no harm in repetition: myself, Steve, Leslie S and Vanessa H. (b) (6), (b) (7)(C) from Local 871 is a possible also. Also hope to have a draft redlined CBA incorporating the MOA for you to take away (good airplane reading?). See you then

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Sacks, Robert" <RSacks@kanekessler.com>  
**Date:** 07/22/2016 7:50 AM (GMT-08:00)  
**To:** Andrew Kahn <akahn@iatse.net>  
**Subject:** Meeting Monday in LA

Andrew

We have a meeting on Monday in LA.

Can you advise who is attending from the Union side besides you?

Thanks

Robert L. Sacks  
Counsel  
**KANE KESSLER, P.C.**  
1350 Avenue of the Americas  
New York, New York 10019  
Direct Dial: 212.519.5184  
Main: 212.541.6222  
Fax: 212.245.3009  
[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)  
[www.kanekessler.com](http://www.kanekessler.com)

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**From:** Andrew Kahn  
**To:** ["Sacks, Robert"; "Witlin, Scott"; "Jane Nunez"](#)  
**Cc:** [Steve Aredas \(saredas@iatse.net\)](mailto:saredas@iatse.net)  
**Subject:** Confirmation of 871 authority  
**Date:** Monday, July 25, 2016 11:00:00

---

In response to your questioning of Ms Simons authority, this is to again confirm that Local 871 and Ms Simon have been granted authority by the IA to represent in the processing of grievances concerning POC/APOC.

Andrew Kahn, Esq.  
Associate West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Witlin, Scott](#)  
**Subject:** Re: Arbitrators  
**Date:** Sunday, July 31, 2016 17:58:49

---

Yes putting together.

Sent from my iPhone

On Jul 31, 2016, at 6:22 PM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

Bob, you said I would receive a list of proposed arbitrators from you and Scott, please send as soon as possible, thanks.

Sent via the Samsung GALAXY S@4, an AT&T 4G LTE smartphone

**From:** Andrew Kahn  
**To:** (b) (6), (b) (7)(C) "Witlin, Scott"  
**Cc:** "Sacks, Robert"  
**Subject:** RFIs to Local 871 re its grievances v AICP companies  
**Date:** Tuesday, August 02, 2016 10:38:00

---

Please send us an MS Word version of your RFIs so that we may more quickly respond. Is there any difference in the substance of the RFIs between your earlier set and your latest set beyond adding the 3 companies where new grievances filed?

Andrew Kahn, Esq.  
Associate West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

---

**From:** (b) (6), (b) (7)(C) @btlaw.com]  
**Sent:** Friday, July 29, 2016 4:09 PM  
**To:** Andrew Kahn <akahn@iatse.net>  
**Cc:** RSacks@kanekessler.com; MLydak@kanekessler.com; (b) (6), (b) (7)(C) @btlaw.com>; Witlin, Scott <Scott.Witlin@btlaw.com>; (b) (6), (b) (7)(C) @btlaw.com>  
**Subject:** Local 871 Putative Grievances

Please see the attached letter of today's date in the referenced matter, sent on behalf of Scott Witlin.

(b) (6), (b) (7)(C)  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: (b) (6), (b) (7)(C) | Fax: (310) 284-3894



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**From:** [Andrew Kahn](#)  
**To:** [Witlin, Scott](#)  
**Cc:** [Jacob White](#)  
**Subject:** RE: Local 871 Putative Grievances  
**Date:** Saturday, August 06, 2016 14:28:59  
**Attachments:** [EC6BD6D1-553F-46F9-870C-D9C331B196C5\[2\].png](#)

---

Jake is at same office number as me, his email is [jwhite@iatse.net](mailto:jwhite@iatse.net). I saw Howard Block on your list, do you know if still taking new cases? A while ago I was told he was not. (He did start arbitrating in 1960 so he'd be more than entitled to retire!)

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Witlin, Scott" <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Date:** 08/06/2016 8:35 AM (GMT-08:00)  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** Ira Gottlieb <[igottlieb@bushgottlieb.com](mailto:igottlieb@bushgottlieb.com)>, "Sacks, Robert" <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@btlaw.com>  
**Subject:** Re: Local 871 Putative Grievances

Andrew: My apologies if we have inconvenienced you. There was no intent to exclude your colleagues and Mr. Gottlieb. While I have Mr. Gottlieb's email, I do not believe I have had the pleasure of corresponding with Mr. White and therefore do not have his email. If you can provide it, I will be happy to include him.

Thank you for your cooperation.

Scott

**Scott J. Witlin** | Partner  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: (310) 284-3777 | Mobile: (310) 936-7719 | Fax: (310) 284-3894



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---

**From:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Date:** Friday, August 5, 2016 at 7:46 PM  
**To:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@btlaw.com>, Scott Witlin <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>, Robert Sacks <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Subject:** RE: Local 871 Putative Grievances

Please do not send me correspondence on 871 cases without cc'ing Jake White here and Buddy Gottlieb. I thought I made this clear earlier this week and in emails before, but nonetheless, I forwarded your latest to them. You're legally required to respect our choice to use multiple counsel just as your clients have, thanks much.

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@btlaw.com>  
**Date:** 08/05/2016 5:42 PM (GMT-08:00)  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** "Witlin, Scott" <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>, "Sacks, Robert" <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>, [MLydakis@kanekessler.com](mailto:MLydakis@kanekessler.com), (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@btlaw.com>  
**Subject:** Local 871 Putative Grievances

Mr. Kahn,



Please see the attached letter from Scott Witlin regarding Local 871 Putative Grievances.

Thank you,

(b) (6), (b) (7)(C)

Steve Hernandez & Rachel Segal  
Barnes & Thornburg LLP  
2029 C (b) (6), (b) (7)(C) Suite 300, Los Angeles, CA, 90067-2904  
Direct: (b) (6), (b) (7)(C) Fax: (310) 284-3894



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**From:** [Sacks, Robert](#)  
**To:** (b) (6), (b) (7)(C)  
**Cc:** [Andrew Kahn](#); [Steve Aredas](#); [janen@aicp.com](mailto:janen@aicp.com); [Matt Miller](#)  
**Subject:** RE: AICP Draft  
**Date:** Monday, August 08, 2016 09:10:32

---

Thanks. Will review.

Robert L. Sacks  
Counsel  
**KANE KESSLER, P.C.**  
1350 Avenue of the Americas  
New York, New York 10019  
Direct Dial: 212.519.5184  
Main: 212.541.6222  
Fax: 212.245.3009  
[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)  
[www.kanekessler.com](http://www.kanekessler.com)

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**From:** (b) (6), (b) (7)(C) @iatse.net]  
**Sent:** Monday, August 08, 2016 12:08 PM  
**To:** Sacks, Robert  
**Cc:** Andrew Kahn; Steve Aredas  
**Subject:** AICP Draft

Please see the attached document.

Andrew J. Kahn  
Associate Counsel  
I.A.T.S.E.  
10045 Riverside Dr., 2<sup>nd</sup> Floor  
Toluca Lake, CA 91602  
Tele: (818)980-3499  
Fax: (818)980-3496

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**From:** [Witlin, Scott](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Sacks, Robert](#); [Ira Gottlieb](#); [Jacob White](#)  
**Subject:** Re: Arb procedures  
**Date:** Tuesday, August 09, 2016 11:43:30  
**Attachments:** [EC6BD6D1-553F-46F9-870C-D9C331B196C5\[56\].png](#)

---

Andrew: Bob and I can do a call after 11:30 on Friday. Let me know if that works.

Scott

**Scott J. Witlin** | Partner  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: (310) 284-3777 Mobile: 310 936-7719 | Fax: (310) 284-3894



<!--[if !vml]--> <!--[endif]-->

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**From:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Date:** Monday, August 8, 2016 at 3:10 PM  
**To:** Scott Witlin <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>, Robert Sacks <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Subject:** Arb procedures

Buddy and I and Jake can talk after 11 this Friday our time.

Andrew Kahn, Esq.  
Associate West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

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**From:** Andrew Kahn  
**To:** "Sacks, Robert"; Witlin, Scott  
**Cc:** Ira L. Gottlieb; Jacob White  
**Subject:** Our response is that we are selecting on Tool  
**Date:** Monday, August 29, 2016 13:33:00  
**Attachments:** [image001.png](#)

---

Our response is that the arbitrator will have to figure out the depo/contact info issues because we are at loggerheads and keep repeating ourselves, so it will be up to the arbitrator to resolve those issues (opt-in is unacceptable to us in general and made worse by the lack of corrective info about (b) (6), (b) (7)(C) misrepresentation; depositions are unacceptable unless and until we get the contact info, the arb process is moving forward and those depositions are usable in lieu of testimony so witnesses are not bothered to testify multiple times about same things).

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

---

**From:** Sacks, Robert [mailto:RSacks@kanekessler.com]  
**Sent:** Monday, August 29, 2016 1:23 PM  
**To:** Andrew Kahn <akahn@iatse.net>; Witlin, Scott <Scott.Witlin@btlaw.com>  
**Cc:** Ira L. Gottlieb <buddyg@bushgottlieb.com>; Jacob White <jwhite@iatse.net>  
**Subject:** RE: OK, call me to select on Tool

Andrew

Do you have a response to the proposal as presented?

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE**|KESSLER

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---

**From:** Andrew Kahn [mailto:akahn@iatse.net]  
**Sent:** Monday, August 29, 2016 4:21 PM  
**To:** Witlin, Scott; Sacks, Robert

**Cc:** Ira L. Gottlieb; Jacob White  
**Subject:** OK, call me to select on Tool

We will just use the AAA list there. You can't take the position that these are each separate cases but then insist I pick on multiple cases. I am ready to select on Tool, period. You can reach me anytime this week 9-5 to strike from that list.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

---

**From:** Witlin, Scott [<mailto:Scott.Witlin@btlaw.com>]  
**Sent:** Monday, August 29, 2016 1:17 PM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** Ira L. Gottlieb <[buddyg@bushgottlieb.com](mailto:buddyg@bushgottlieb.com)>; Jacob White <[jwhite@iatse.net](mailto:jwhite@iatse.net)>; (b) (6), (b) (7)(C) <[REDACTED]@iatse.net>; Sacks, Robert <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Subject:** Re: Accepting your offer

Andrew: Our proposal was not one that you could pick and choose from. We would be happy to work with you on all the Arbitrators, but we are not willing to just agree to one. We sent you a comprehensive proposal you should treat it as such.

**Scott J. Witlin** | Partner  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: 310 284-3777 | Mobile: (310) 936-7719 | Fax: (310) 284-3894



Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington D.C.

---

**From:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Date:** Monday, August 29, 2016 at 1:00 PM  
**To:** Robert Sacks <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>, Scott Witlin <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Cc:** "Ira L. Gottlieb" <[buddyg@bushgottlieb.com](mailto:buddyg@bushgottlieb.com)>, Jacob White <[jwhite@iatse.net](mailto:jwhite@iatse.net)>, (b) (6), (b) (7)(C) <[REDACTED]@iatse.net>  
**Subject:** Accepting your offer

We accept your proposal to have Arbitrator Rappaport hear the Tool case. (b) (6), (b) (7)(C) will contact him to obtain dates.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

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**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Witlin, Scott](#); [Lydakis, Michael](#); (b) (6), (b) (7)(C)@btlaw.com  
**Subject:** Re: Checking my files on info requests  
**Date:** Tuesday, September 13, 2016 16:26:57

---

We will check tomorrow and advise. Which companies?

Sent from my iPhone

On Sep 13, 2016, at 7:18 PM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

I requested several items of information in a counter-request sent you about 5 weeks ago. I don't find in my files a response from you folks. To the extent my counter-requests dealt with companies other than the two going to arbitration, they can be put aside for now if you like. But I need a response from the two companies, most importantly on my request for info on client billings. When can I expect such response?

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499



**From:** Andrew Kahn  
**To:** ["Sacks, Robert"; Witlin, Scott](#)  
**Cc:** [Jacob White; "Leslie Simon"](#)  
**Subject:** FW: AICP opt-in  
**Date:** Wednesday, September 14, 2016 14:45:00  
**Attachments:** [Utica Observer Dispatch Inc..pdf](#)

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After our chat yesterday, others with me on the call said they understood you to be planning on unilaterally sending an opt-in letter to the alleged POCs. If they heard correctly, we have to protest this because it would be illegal under the Board decision attached and the ones it cites. We did not agree on the terms of any opt-in process, and don't see the point of any such letter at this point where if GC is correct we get contact info for all not some (except to have anti-union workers whom your clients select contact us, but not others who are less opposed to unionization). However, we remain available to bargain the issue. We note that your last proposal on this subject still failed to provide corrective disclosure as to the Union's lack of discipline against members who choose to work nonunion but report to the Union where they're working. Please send us the text of what you propose to send them, what binding restrictions would be placed upon your clients in the whole process, and answer our prior RFI as to what has already been expressed to these workers about 871 by your clients (so we know what other corrective disclosures are needed). And please explain the actual point of sending such letters (other than to tie me and others up with interviewing workers preselected by your clients for their hostility, or perhaps try to portray yourselves as nice to the NLRB ALJ).

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

Majority Opinion > Dissenting Opinion > Table of Cases

United States Court of Appeals for the Second Circuit

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Utica Observer-Dispatch, Inc., Petitioner,  
v.  
National Labor Relations Board, Respondent.

---

No. 127, Docket 23644.

Argued December 8, 1955.

Decided January 31, 1956.

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### BNA Headnotes

## LABOR RELATIONS - NLRB AND COURT DECISIONS

### LABOR-MANAGEMENT RELATIONS ACT

#### [1] Refusal to bargain—Refusal to furnish wage data ▶54.523

Board held justified in finding that employer's refusal to supply union with wage data linked with names of individual employees constituted a violation of Section 8(a)(5) of Act, since such information was relevant to bargaining under contract re-opener, even if the only issue open for negotiation was minimum wages. Employer's obligation to furnish such data when requested was not met by supplying average rates for each wage classification or by furnishing individual wage information with respect to those employees who did not object.

#### [2] Refusal to bargain—Refusal to furnish wage data ▶54.523

Board held justified in finding, in proceeding against employer for refusing to bargain with union, that union's request for individual wage data was made in good faith for use in bargaining, even though trial examiner had found that union wanted the data to aid it in collecting dues, it appearing that union also wanted the data for use in negotiating a new minimum wage under the contract.

#### [3] Refusal to bargain—Dealings with individual employees ▶54.659

Board held justified in finding that employer violated Section 8(a)(5) of Act by sending a letter to each of its employees stating that it would comply with union's request for wage data linked with names of individual employees unless advised to the contrary. Employer may not disregard union as certified agency to represent its employees by dealing individually with employees in such matter.

---

Arthur L. Stern, Rochester, N. Y. (Nixon, Hargrave, Devans & Dey, Rochester, N. Y., on the brief), for petitioner.

Franklin C. Milliken, Atty., National Labor Relations Board, Washington, D. C. (Theophil C. Kammholz, Gen. Counsel, David P. Findling, Associate Gen. Counsel, Marcel Mallet-Prevost, Assistant Gen. Counsel and Frederick U. Reel, Atty., National Labor Relations Board, Washington, D. C., on the brief), for respondent.

Before SWAN, FRANK and LUMBARD, Circuit Judges.

LUMBARD, Circuit Judge.

The Utica Observer-Dispatch, Inc. petitions pursuant to § 10 of the National Labor Relations Act, 29 U.S.C.A. § 160, to review and set aside an order of the National Labor Relations Board that it cease and desist from refusing to bargain collectively with Local 129, Utica Newspaper Guild, affiliated with the American Newspaper Guild, C. I. O., as exclusive representative of 58 of its employees and that it furnish payroll data [\*576] concerning all of said employees without conditioning such action upon the consent of the individual employees. The Board cross-petitions for enforcement of its order.

At a one day hearing on February 10, 1954, the first point at issue was the refusal of the Company to furnish individual salary data concerning 58 employees as requested by the Union on July 12, 1953, preliminary to a reopening of the contract as to wages. This was charged as a failure to bargain collectively in violation of § 8(a) (5) and (1) of the Act, 29 U.S.C.A. § 158(a) (5) and (1). The second issue arose from the Company's writing to each of the 58 employees on October 20, 1953 stating that it would furnish the salary information requested by the Local unless advised to the contrary by October 23rd. The complaint charged this as a separate violation of § 8(a) (5) and (1). This second part of the complaint was dismissed by the Trial Examiner after the General Counsel's case, and the Company therefore introduced no evidence on this issue. The Trial Examiner dismissed the remainder of the complaint on the merits. This dismissal by the Examiner was based on his finding that the Local's request for the salary data was not made in good faith because, in the view of the Examiner, the Local sought the data primarily for dues collection rather than for the stated and admittedly proper purposes of policing its existing contract with the Company, bargaining intelligently on a reopening of the wage question, and properly evaluating the Local's and management's wage proposals.

Following the July 12th letter asking for the wage data, the Local president reiterated his request in a telephone conversation on August 4th. On August 10th at a conference in the office of the Company's general manager the manager, although he maintained that individual data was confidential, informed the Local president of the average weekly rates paid in each of thirteen wage classifications. The Local, however, still insisted on its right to the information as to each individual employee.

The Local on September 4, 1953 sent to the Company formal written notice that it desired to reopen its agreement of December 1952 in order to negotiate a new wage scale for the period from November 6, 1953 through November 5, 1954. This it had a right to do under the provisions of the 1952 agreement. Following this notice of reopening, the Union on September 9th filed with the Board a charge that the Company had failed to bargain collectively.

The Company contends that the individual wage data requested by the Union was confidential. It is well settled, however, that an employer has a duty to supply the union with relevant wage data and that such data is not privileged. *N. L. R. B. v. Yawman & Erbe Mfg. Co.*, 2 Cir., 1951, 187 F.2d 947; *Aluminum Ore Co. v. N. L. R. B.*, 7 Cir., 1942, 131 F.2d 485, 147 A.L.R. 1. There are no facts in the record to show any particular need for confidentiality in this case. The information requested was relevant to the contract reopening even if the only issue open for bargaining was minimum wages. As Judge Learned Hand pointed out in *N. L. R. B. v. Yawman & Erbe Mfg. Co.*, supra 187 F.2d at page 949, "we find it difficult to conceive a case in which current or immediately past wage rates would not be relevant during negotiations for a minimum wage scale or for increased wages." See also *Boston Herald-Traveler Corp. v. N. L. R. B.*, 1 Cir., 1955, 223 F.2d 58. The fact that the Union had never before requested individual wage data is immaterial. The information was relevant and the Local had a right to request it whenever it chose to do so. The average classification figures furnished on August 10th did not give the Union all it was entitled to. Nor is the Company excused because it did furnish the data with respect to 54 non-objecting employees on November 3rd. The Union had a right to know the wage rates of all the employees it represented; the Company cannot reduce that [\*577] right by giving only a part of the information requested and dismissing the rest as *de minimis*.

The primary ground on which the Trial Examiner dismissed the first charge was that the Union's request was not made in good faith since it wanted the data, not for bargaining purposes, but to aid it in collecting dues. The Board overruled its Trial Examiner. It found that although the Union may have wanted the wage information as an aid in dues collection this was only an additional reason for the request. There is substantial evidence on the whole record to support the

Board's finding that the request was made in good faith. *Universal Camera Corp. v. N. L. R. B.*, 1951, 340 U.S. 474, 71 S.Ct. 456, 95 L.Ed. 456. The Board is, of course, obliged to give weight to the findings of its Trial Examiner, especially where they rest on credibility and the demeanor of witnesses. But it may certainly overrule him, even where credibility is involved, if his findings conflict with strong inferences from evidence which he credited. *N. L. R. B. v. Pyne Molding Corp.*, 2 Cir., 1955, 226 F.2d 818; See *Federal Communications Commission v. Allentown Broadcasting Corp.*, 1955, 349 U.S. 358, 364, 75 S.Ct. 855, 99 L.Ed. 1147.

A reading of the Intermediate Report in this case shows it to be a rather labored document which the Board was well justified in rejecting. Even if we accept the Trial Examiner's findings of credibility, the Board's ruling is still supported by substantial evidence. The conversation of August 10th, even as reported by the Company's general manager, indicated that although the Union wanted the wage information for dues collection purposes, it also wanted it for use in negotiating a new minimum wage under the contract. The purposes were coordinate; neither was exclusive. Where the Local's request for relevant data is for a proper and legitimate purpose it cannot make any difference that there may also be other reasons for the request or that the data may be put to other uses. It is true that on September 15th Warner, the Local president, wrote to the Company's managing editor that if the Union could get collection of dues "a la printers" [which apparently means collection from payroll] then there would be no need to obtain the wage data and he would be willing to submit a proposal to the Local that they drop the data request and substitute such a collection provision in the contract. Warner made it clear in that letter, however, that he was speaking as an individual and not for the Union. Moreover, Warner's September 15th proposal may reasonably be construed as an offer to trade off one thing for another. There is nothing in the record inconsistent with the Board's conclusion that the Union's request for data was made in good faith to obtain information for use in bargaining.

We also find that the Board's ruling must be sustained as to the October 20th letter sent by the Company to each of its 58 employees. The Company had no right to send such individual letters to the employees represented by the Local. Nor could the right to the wage data be made contingent on any such consent of the individual employees. The Board's reversal of the Examiner's dismissal of this part of the complaint is well supported by the facts and the law. The Company could not disregard the Local as the certified agency to represent its employees and go over the head of the Local to deal individually with the employees, by letter or in any other way. To do so would tend inevitably to weaken the authority of the Local and its ability to represent the employees in dealing with the Company. *Medo Photo Supply Corp. v. N. L. R. B.*, 1944, 321 U.S. 678, 683-684, 64 S.Ct. 830, 88 L.Ed. 1007; *N. L. R. B. v. Acme Air Appliance Co.*, 2 Cir., 1941, 117 F.2d 417, 420; Cf. *Brooks v. N. L. R. B.*, 1954, 348 U.S. 96, 103, 75 S.Ct. 176, 99 L.Ed. 125.

At the hearing the Company had no opportunity or need to put in any proof regarding the October 20th letter as the Examiner dismissed this item at the end of the Board's proof. Company counsel [**\*578**] indicated at the argument before us that there was some pertinent proof which the Company could have introduced on this point and urged that it should be given an opportunity to present this proof if its petition was denied with respect to the letter. But the Company could have requested the Board to reopen the record for the taking of such testimony. *N. L. R. B. Rules and Regulations* § 102.48, 29 U.S.C.A., Appendix. As it failed to make such request at that stage of the proceeding we may not order such remand now. *National Labor Relations Act* § 10(e), 29 U.S.C.A. § 160(e). ("No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.") There has been no showing here of extraordinary circumstances which would excuse the Company's failure to raise this question before the Board.

The Company's petition to set aside the Board's order is denied; the Board's cross-petition for enforcement of its order is granted.

**SWAN**, Circuit Judge (dissenting in part).

The trial examiner made a very detailed and thorough intermediate report. He found that Utica bargained in good faith and the Union did not; that its real reason for asking for individual wage data was to aid in the collection of union dues.

This finding was based in large part on the credibility of Hogue's testimony and the lack of credibility of Warner's. The Board made no finding as to the good faith of the Union's request, but merely says that Warner's statement that the data "was also wanted for dues collection did not detract from its relevance to police the contract and bargain intelligently on wages." In other words, the Board seems to hold that if a union's demand states that the information is needed for negotiating a new contract, the employer must forthwith supply it without investigation as to the good faith of such statement. When a union asks for specified data it seems to me only reasonable to permit the employer to question the reasons stated and, if it develops that they are a mere facade and the real reason is one not relevant to bargaining about wages, to refuse to give the information. In my opinion the Board was wrong in overruling the trial examiner's dismissal of the charge based on refusal to supply the data requested in the Union's letter of July 12th.

As to the charge based on the employer's letter of October 20th, I concur with my brothers.

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### **Table of Cases**

N. L. R. B. v. Yawman & Erbe Mfg. Co., 2 Cir., 1951, 187 F.2d 947  
Aluminum Ore Co. v. N. L. R. B., 7 Cir., 1942, 131 F.2d 485, 147 A.L.R. 1  
Boston Herald-Traveler Corp. v. N. L. R. B., 1 Cir., 1955, 223 F.2d 58  
Universal Camera Corp. v. N. L. R. B., 1951, 340 U.S. 474, 71 S.Ct. 456, 95 L.Ed. 456  
N. L. R. B. v. Pyne Molding Corp., 2 Cir., 1955, 226 F.2d 818  
Federal Communications Commission v. Allentown Broadcasting Corp., 1955, 349 U.S. 358, 364, 75 S.Ct. 855, 99 L.Ed. 1147  
Medo Photo Supply Corp. v. N. L. R. B., 1944, 321 U.S. 678, 683-684, 64 S.Ct. 830, 88 L.Ed. 1007  
N. L. R. B. v. Acme Air Appliance Co., 2 Cir., 1941, 117 F.2d 417, 420  
Brooks v. N. L. R. B., 1954, 348 U.S. 96, 103, 75 S.Ct. 176, 99 L.Ed. 125

## General Information

<b>Judge(s)</b>	JEROME NEW FRANK; JOSEPH EDWARD LUMBARD; THOMAS WALTER SWAN
<b>Topic(s)</b>	Labor Law
<b>Industries</b>	Payroll Services
<b>Court</b>	United States Court of Appeals for the Second Circuit
<b>Date Filed</b>	1956-01-31 00:00:00
<b>Parties</b>	National Labor Relations Board; Utica Observer-Dispatch, Inc.





Utica Observer-Dispatch, Inc. v. NLRB, 229 F.2d 575, 37 LRRM 2441 (2d Cir. 1956), Court Opinion








































## Direct History

- 1  **Utica Observer-Dispatch, Inc. v. NLRB, 229 F.2d 575, 37 LRRM 2441 (2d Cir. 1956)**  
*order entered, petition denied*






### Direct History Summary

	Caution	0
	Negative	0
Total		0

## Case Analysis ( 13 cases )

- 1   Cited in , (See)  NLRB v. Carpenters Local 608, 811 F.2d 149, 124 LRRM 2766 (2d Cir. 1987)
- 2   Cited in , (Accord)  NLRB v. Leonard B. Hebert, Junior & Co., 696 F.2d 1120, 112 LRRM 2672 (5th Cir. 1983)
- 3   Cited in , (See)  Moore v. Ross, 687 F.2d 604 (2d Cir. 1982)
- 4   Cited in , (See, e.g.)  NLRB v. Jaggars-Chiles-Stovall, Inc., 639 F.2d 1344, 106 LRRM 2821 (5th Cir. Unit A Mar. 1981)
- 5   Discussed in , Quoted  Moore v. Ross, 502 F. Supp. 543 (S.D.N.Y. 1980)
- 6   Cited in , Quoted  NLRB v. Vanguard Oil & Serv., Inc., No. 75-4222 and 77-4114, 1980 BL 371, 106 LRRM 2294 (2d Cir. Sept. 02, 1980)
- 7   Cited in  Cont'l Ins. Co. v. NLRB, 495 F.2d 44, 86 LRRM 2003 (2d Cir. 1974)
- 8   Cited in , (See)  NLRB v. Operating Engineers Local 542, 485 F.2d 387, 84 LRRM 2386 (3d Cir. 1973)
- 9   Cited in  NLRB v. Gen. Electric Co., 418 F.2d 736, 72 LRRM 2530 (2d Cir. 1969)
- 10   Distinguished in  Singer Sewing Mach. Co. v. NLRB, 329 F.2d 200, 55 LRRM 2485 (4th Cir. 1964)
- 11   Cited in , Quoted  NLRB v. Fitzgerald Mills Corp., 313 F.2d 260, 52 LRRM 2174 (2d Cir. 1963)
- 12   Cited in , (Cf.)  Sinclair Ref. Co. v. NLRB, 306 F.2d 569, 50 LRRM 2830 (5th Cir. 1962)
- 13   Cited in , (Cf.)  J. I. Case Co. v. NLRB, 253 F.2d 149, 41 LRRM 2679 (7th Cir. 1958)

### Case Analysis Summary

	Positive	12
	Distinguished	1
	Caution	0
	Superseded	0
	Negative	0
Total		13



**From:** [Witlin, Scott](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [Jacob White](#); [Ira Gottlieb](#); [Sacks, Robert](#); [Lydakis, Michael](#)  
**Subject:** Re: Confirmation of agreement and draft email to Arbitrators Rappaport and Prihar  
**Date:** Wednesday, September 14, 2016 15:29:29  
**Attachments:** [EC6BD6D1-553F-46F9-870C-D9C331B196C5\[23\].png](#)

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Andrew: We have gotten approval to select Radical Media as the case to move forward along with your selection of Tool of North America. (Pursuant to our agreement the other cases will be held in abeyance while these two are arbitrated.)

As a result, we would revise the letters as follows:

Dear Arbitrator Rappaport : You have been selected by the IATSE and Radical Media to hear a grievance involving the job classes of Production Office Coordinator (POC) and Assistant POC. IATSE will be principally represented by Ira (Buddy) Gottlieb assisted by myself and Jake White at the IATSE. Radical Media will be represented by Robert Sacks and Scott Witlin (contact info below). Please advise us as to your available dates. Sincerely, AJK.

Dear Arbitrator Prihar: You have been selected by the IATSE and Tool of North America to hear a grievance involving the job classes of Production Office Coordinator (POC) and Assistant POC. IATSE will be principally represented by Ira (Buddy) Gottlieb assisted by myself and Jake White at the IATSE. Tool of North America will be represented by Robert Sacks and Scott Witlin (contact info below). Please advise us as to your available dates. Sincerely, AJK.

Scott

**Scott J. Witlin** | Partner  
Barnes & Thornburg LLP  
2029 Century Park E., Suite 300, Los Angeles, CA, 90067-2904  
Direct: (310) 284-3777 | Mobile: 310 936-7719 | Fax: (310) 284-3894



<!--[if !vml]--> <!--[endif]-->

Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington D.C.

---

**From:** Robert Sacks <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Date:** Wednesday, September 14, 2016 at 5:50 AM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>, Scott Witlin <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Cc:** Jacob White <[jwhite@iatse.net](mailto:jwhite@iatse.net)>  
**Subject:** RE: Confirmation of agreement and draft email to Arbitrators Rappaport and Prihar

Ok with me but subject to any comments Scott may have. As a reminder you offered to permit us to select which for ours.  
Thanks

Working on our picks now.

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE** | **KESSLER**

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**From:** Andrew Kahn [<mailto:akahn@iatse.net>]

**Sent:** Tuesday, September 13, 2016 6:08 PM

**To:** Sacks, Robert; Witlin, Scott

**Cc:** Jacob White

**Subject:** Confirmation of agreement and draft email to Arbitrators Rappaport and Prihar

This is to confirm our call in which we agreed to select arbitrators on 2 of the 7 initial POC grievances, and to put on hold all other grievances including the ones not yet filed. AICP declined to toll as to unfiled grievances. We agreed the two cases would be heard by Rappaport and Prihar. I propose to write them stating:

Dear Arbitrator \_\_\_\_\_: You have been selected by the IATSE and the Association of Independent Commercial Producers (AICP) to hear a grievance involving the job classes of Production Office Coordinator (POC) and Assistant POC on at one of the AICP-member companies to be named later. IATSE will be principally represented by Ira (Buddy) Gottlieb assisted by myself and Jake White at the IATSE. AICP and its member will be represented by Robert Sacks and Scott Witlin (contact info below). Please advise us as to your available dates. Sincerely, AJK.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

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**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#)  
**Subject:** Re: CIAF and MPIP  
**Date:** Friday, September 16, 2016 15:16:20

---

Andrew

Will review tomorrow and can call you over weekend. Big Chief not need many moons to review.

Send lodge number where to send smoke signal over weekend or Monday if better for you.

Sent from my iPhone

On Sep 16, 2016, at 6:05 PM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

While we will take your substitute language for the last paragraph and relocate App J into the main body of the CPA, we cannot hold up completion of this contract for more language on this CIAF issue, because we know from experience with MPI that it will take many moons for you to hammer out a final deal with MPI. There is no need to put MPI name/address in CBA as most other trust funds' addresses are not in CBA, and also I think every signatory also has to sign an MPI Consent that has its address. We need to get this CBA done and printed, as we're getting bothered frequently by locals and payroll companies seeking copy of the new contract. Attached is a version with the Appendix placed into the Benefits article where it was already incorporated by reference in the earlier drafts (with omission of the Appendix language referencing the benefits article), with your substitute final paragraph used. Because now we have one fewer appendix, I turned App K (Confidentiality) into App J and corrected all references to these two appendices. I believe we are done.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

**From:** Sacks, Robert [<mailto:RSacks@kanekessler.com>]  
**Sent:** Friday, September 16, 2016 6:17 AM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** [janen@aicp.com](mailto:janen@aicp.com); Matt Miller <[mattm@aicp.com](mailto:mattm@aicp.com)>  
**Subject:** CIAF and MPIP

Thanks Andrew

I was advised last night that AMPTP has advised AICP that AMPTP supports MPIP doing the collection/audit work for the CIAF provided MIPPP is reimbursed by CIAF as in the case of Contract Services. AICP is agreeable to this. You stated in an email to me of September 14 that IATSE does not oppose engagement of MPIP, so it seems we just about there.

I assume you will confirm on your side and MIPPP and we will need to reflect in the contract so employers know where to send contributions, in addition to the points I sent you yesterday about moving from side letter to a new Article and changes to the last paragraph.

Appreciate your cooperation.

Regards

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE** | **KESSLER**

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---

**From:** Andrew Kahn [<mailto:akahn@iatse.net>]  
**Sent:** Thursday, September 15, 2016 6:40 PM  
**To:** Sacks, Robert  
**Subject:** RE: AICP CPA ready for signature

Yes, am recommending it to Mike Miller etc but he's on plane so we'll get back to you tomorrow or Monday on that.

---

**From:** Sacks, Robert [<mailto:RSacks@kanekessler.com>]

**Sent:** Thursday, September 15, 2016 3:37 PM

**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>

**Subject:** RE: AICP CPA ready for signature

Thanks. Another win!!

Did you read my email about the CIAF?

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE|KESSLER**

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<AICP CPA 2016 Draft AJK 9162016.docx>

**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [janen@aicp.com](mailto:janen@aicp.com); [Steve Aredas](#)  
**Subject:** Re: 2016 CPA and Side Letters  
**Date:** Friday, September 30, 2016 13:59:21

---

Thanks.

Sent from my iPhone

On Sep 30, 2016, at 4:26 PM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

The agreement was signed but some locals discovered some clerical errors in contribution rates that I believe Steve has passed on to Jane (or will be doing so) to check on, so we should all hold off distributing this document "to the masses", thanks, as it may need some final corrections.

---

**From:** Gabrielle Yedid  
**Sent:** Friday, September 30, 2016 12:56 PM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** Steve Aredas <[saredas@iatse.net](mailto:saredas@iatse.net)>  
**Subject:** RE: 2016 CPA and Side Letters

Hi Andy –  
Please see attached.  
-Gabrielle

---

**From:** Steve Aredas  
**Sent:** Friday, September 30, 2016 10:22 AM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>; Gabrielle Yedid <[gyedid@iatse.net](mailto:gyedid@iatse.net)>  
**Subject:** RE: 2016 CPA and Side Letters

yes Gabrielle can forward.

we were double checking a minor issue before sending to the masses

Steve Aredas  
International Representative  
IATSE West Coast Office  
818-9803499 office  
818-5236293 cell

----- Original message -----

From: Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
Date: 9/30/16 10:20 AM (GMT-08:00)  
To: Steve Aredas <[saredas@iatse.net](mailto:saredas@iatse.net)>, Gabrielle Yedid <[gyedid@iatse.net](mailto:gyedid@iatse.net)>  
Subject: FW: 2016 CPA and Side Letters

I don't have copies signed by Pres Loeb, perhaps you do?

---

**From:** Sacks, Robert [<mailto:RSacks@kanekessler.com>]  
**Sent:** Friday, September 30, 2016 10:08 AM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** (b) (6), (b) (7)(C) <[REDACTED]@iatse.net>; [janen@aicp.com](mailto:janen@aicp.com)  
**Subject:** FW: 2016 CPA and Side Letters

Andrew

Please send me PDF countersigned copies by IATSE of the signature pages for the New CPA. Effective date is October 1. Thanks.

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE** | **KESSLER**

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---

**From:** Sacks, Robert  
**Sent:** Wednesday, September 21, 2016 5:35 PM  
**To:** [akahn@iatse.net](mailto:akahn@iatse.net); (b) (6), (b) (7)(C) <[REDACTED]@iatse.net>  
**Cc:** 'Jane Nunez'  
**Subject:** FW: 2016 CPA and Side Letters



Andrew

Attached is the execution version ( Friday 9/16/16 doc) with PDF's of signed pages. I have ink signed pages in my office. I will overnight to you for counter sign by IP Loeb but I can live with his PDF's for present.

We need IP Loeb and AMPTP Pres. Lombardini to confer so we can engage MPIPHP and get the ball rolling on CIAF. I hope it doesn't have to wait for an MPIPHP meeting—I recall your “many moons” comment. Can you move that forward with IP Loeb?

Jane and Steve Aredas. will handle printing I assume.

I haven't heard from Scott to nail down a time tomorrow to speak.

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE|KESSLER**

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<AICP CPA 2016 FINAL (w.signatures).pdf>

**From:** [Sacks, Robert](#)  
**To:** [Andrew Kahn](#)  
**Cc:** [scott.witlin@btlaw.com](mailto:scott.witlin@btlaw.com)  
**Subject:** Re: Your clients' issues with the 47 charges  
**Date:** Monday, October 03, 2016 06:34:13

---

Thanks. Have a good holiday.

Sent from my iPhone

On Oct 3, 2016, at 8:59 AM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

No changes

Sent via the Samsung GALAXY S®4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Sacks, Robert" <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)>  
**Date:** 10/03/2016 05:34 (GMT-08:00)  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>, "Witlin, Scott" <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Cc:** "Lydakis, Michael" <[MLydakis@kanekessler.com](mailto:MLydakis@kanekessler.com)>  
**Subject:** Re: Your clients' issues with the 47 charges

Sent from my iPhone

On Oct 2, 2016, at 10:05 AM, Sacks, Robert <[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com)> wrote:

Andrew

Scott and I have scheduled a call early next week with clients to discuss your proposal of September 19. I am assuming there have been no revisions since we spoke about it subsequent to Sept. 19.

Regards,

Rls

---

**From:** Andrew Kahn [<mailto:akahn@iatse.net>]  
**Sent:** Monday, September 19, 2016 4:12 PM  
**To:** Sacks, Robert; Witlin, Scott  
**Subject:** Your clients' issues with the 47 charges

To accommodate the concerns you expressed, IATSE will withdraw charges against any AICP-member employer who confirms in writing that it will be bound by the outcome of the NLRB proceedings over our information requests for contact info (ie, if the Board/court order one of the employers to provide the contact info, this employer will provide this info as well). This offer of course assumes that at least one employer continues to wish to litigate rather than just provide the info. This offer will be good until the NLRB Region makes my folks do any more work in support of the charges, as once we have done such work, there is no incentive to let employers off the hook for defending those charges. Also, IATSE would agree not to file charges against any employer who in response to our filing a grievance and RFI for contact info advises that it will be bound by the outcome of the Board proceeding.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

**From:** [Witlin, Scott](#)  
**To:** [Andrew Kahn](#)  
**Subject:** Re: Call To Discuss a Reasonable Proposal  
**Date:** Friday, October 07, 2016 10:20:15

---

Sent from my iPhone

Scott J. Witlin  
Partner  
Barnes & Thornburg LLP  
2029 Century Park East Suite 300  
Los Angeles, California 90067

Phone: (310) 284-3777  
[scott.witlin@btlaw.com](mailto:scott.witlin@btlaw.com)  
[www.btlaborrelations.com](http://www.btlaborrelations.com)

[www.btlaw.com](http://www.btlaw.com)

On Oct 7, 2016, at 12:05 PM, Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)> wrote:

I love how people in the advertising industry use words... I can take the call at 3 your time. (If you need me to try to make it earlier, I could probably duck out of the prior meeting I have that day by 2:30 your time but not likely by 2).

---

**From:** Sacks, Robert [<mailto:RSacks@kanekessler.com>]  
**Sent:** Friday, October 07, 2016 9:36 AM  
**To:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>  
**Cc:** Witlin, Scott <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>; (b) (6), (b) (7)(C) <[\[REDACTED\]@btlaw.com](mailto:[REDACTED]@btlaw.com)>; Lydakis, Michael <[MLydakis@kanekessler.com](mailto:MLydakis@kanekessler.com)>; (b) (6), (b) (7)(C) <[\[REDACTED\]@btlaw.com](mailto:[REDACTED]@btlaw.com)>  
**Subject:** Call To Discuss the Canary Proposal

Andrew

Without waiving any privilege, one of our clients dubbed your proposal the Canary Proposal in reference to the canary that is used in coal mines to detect the presence of poisonous or explosive gas. The Canary or Canaries would be those companies who remain to slug it out with the NLRB over the personal contact information.

Scott is out on a short vacation this week so we are proposing to have a call on Tuesday Oct. 11 at 2 or 3 PM Eastern Time (it is a short day for me) to discuss the Canary Proposal.

We can also touch on the request for billings etc.

Let us know if that works.

Robert L. Sacks | Counsel  
KANE KESSLER, P.C.

We've moved. Please note our new address:

666 Third Avenue | New York, NY 10017-4041  
Direct: 212-519-5184 | Main: 212-541-6222 | Fax: 212-245-3009  
[RSacks@kanekessler.com](mailto:RSacks@kanekessler.com) | [www.kanekessler.com](http://www.kanekessler.com)

**KANE**|**KESSLER**

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**From:** Andrew Kahn  
**To:** [Sacks, Robert](#); ["Witlin, Scott"](#)  
**Subject:** response on Board charges  
**Date:** Thursday, October 13, 2016 12:15:00

---

No one on my side has any interest in your opt-in proposal for Radical or Biscuit. Some of that is due to your position on opt-in to refuse to correct misinformation provided by (b) (6), (b) (7)(C) on union discipline. Much of that has to do with the inability of any one letter to address all of workers' questions and concerns; dialogue is much preferred. If they tell us not to call them again, we respect it, but at least with the remedy sought by the Region we get to start a conversation. Please advise in writing as to how Radical and Biscuit bill clients for production staff benefits, thanks.

Andrew Kahn, Esq.  
West Coast Counsel  
IATSE  
10045 Riverside Dr.  
Toluca Lake CA 91602  
(818) 980-3499

**From:** [Blanco, Angelica](#)  
**To:** ["shernandez@btlaw.com"](mailto:shernandez@btlaw.com)  
**Cc:** ["Witlin, Scott"; Robert Sacks](#)  
**Subject:** Supply & Demand (31-CA-183572), Station Film (31-CA-183593) and Epoch Media (31-CA-183625)  
**Date:** Wednesday, November 9, 2016 12:51:00 PM  
**Attachments:** [Supply & Demand.pdf](#)  
[Station Film, Inc.pdf](#)  
[Epoch Media.pdf](#)

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Hi Steve,

Attached please find requests for evidence in connection with Supply & Demand (31-CA-183572), Station Film (31-CA-183593) and Epoch Media (31-CA-183625). These requests were emailed to the employer representatives on November 4, 2016, but the emails bounced back as undeliverable.

Feel free contact me if you have any questions.

Regards,

Angelica

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nlr.gov](mailto:angelica.blanco@nlr.gov)

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**From:** [Blanco, Angelica](#)  
**To:** ["Witlin, Scott"](#)  
**Cc:** ["Hernandez, Steve"; Robert Sacks](#)  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al  
**Date:** Monday, November 21, 2016 5:34:00 PM  
**Attachments:** [a WHITE LABEL product.pdf](#)  
[Anonymous Content, LLC.pdf](#)  
[Backyard.pdf](#)  
[Biscuit Filmworks.pdf](#)  
[Bodega Studios.pdf](#)  
[Caviar Los Angeles.pdf](#)  
[CMS Production.pdf](#)  
[Community Films.pdf](#)  
[D'Avant-Garde Media.pdf](#)  
[Epoch Media.pdf](#)  
[Fancy Content, Inc..pdf](#)  
[Identity.pdf](#)  
[Kantara.pdf](#)  
[MJZ.pdf](#)  
[Moxie Pictures.pdf](#)  
[O Positive, LLC.pdf](#)  
[Park Pictures, LLC.pdf](#)  
[Pecubu Productions.pdf](#)  
[PRETTYBIRD.pdf](#)  
[Pulse Films USA.pdf](#)  
[Radical Media, LLC.pdf](#)  
[Reset Content.pdf](#)  
[RSA Films, Inc..pdf](#)  
[Skunk Partners LLC.pdf](#)  
[Smuggler, Inc..pdf](#)  
[Station Film, Inc.pdf](#)  
[Supply & Demand.pdf](#)  
[The Sweet Shop Films LLC.pdf](#)  
[Tool of North America.pdf](#)  
[Wild Plum.pdf](#)  
[World War Seven Studios.pdf](#)

---

Scott,

This is to follow up on the Employers' evidence and position statement which was due on Friday, November 18, 2016. I have not received any evidence from you with respect to the above cases. Please see the attached requests for evidence for the cases in which your evidence is needed and submit your evidence no later than **November 28, 2016**.

Thank you for your anticipated cooperation. Please feel free to contact me if you have any questions.

Regards,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Tuesday, November 08, 2016 11:40 AM  
**To:** 'shernandez@btlaw.com' <shernandez@btlaw.com>  
**Cc:** 'Witlin, Scott' <Scott.Witlin@btlaw.com>; Robert Sacks <rsacks@kanekessler.com>  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al

Steve,

Per your request, attached is the list of cases.

Regards,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Tuesday, November 01, 2016 3:38 PM  
**To:** 'Witlin, Scott' <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Cc:** Robert Sacks <[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)>  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al

Dear Mr. Witlin:

This is to follow up on our discussion last week concerning the above-referenced charges. Please confirm which of the cases in the attached spreadsheet you will be handling by submitting a Notice of Appearance as soon as possible.

Thank you,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Thursday, October 27, 2016 4:01 PM  
**To:** 'Witlin, Scott' <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>; Robert Sacks <[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)>  
**Subject:** Bodega Studios, Case 31-CA-183570 et. al

Dear Mr. Witlin and Mr. Sacks:

This is to confirm whether you will be handling any or all of the 45 related failure to furnish information charges that IATSE filed against 45 production companies. Attached please find a spreadsheet with each case number and employers involved in each case. If you are handling this matter on behalf of the employers, I request that you submit a Questionnaire on Commerce Information (see attached form) in each case.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Kind Regards,

Angelica

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nlr.gov](mailto:angelica.blanco@nlr.gov)

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**From:** [Blanco, Angelica](#)  
**To:** ["Jacob White"](#)  
**Subject:** RE: IATSE Request for Contact Information  
**Date:** Monday, November 28, 2016 3:44:00 PM

---

Hello Jacob,

Thank you for the update. Can you please submit a notice of appearance in the cases that remain open so that you may be copied on any correspondence that issues?

With respect to the status of the Region's investigation, the investigation is still ongoing. I am waiting for the Employers' position/evidence.

Thank you,

Angelica

---

**From:** Jacob White [mailto:jwhite@iatse.net]  
**Sent:** Monday, November 28, 2016 12:21 PM  
**To:** Blanco, Angelica <Angelica.Blanco@nrlrb.gov>  
**Subject:** RE: IATSE Request for Contact Information

Hello Angelica,

Regarding the 20 or so ULPs we have filed against various commercial production companies regarding their failure to provide information, I wanted to let you know that we have engaged in settlement discussions with their bargaining agent, AICP, about winnowing the number of ULPs. We have an agreement in principle wherein we will withdraw, without prejudice, the ULPs against all but two of the companies (Biscuit Filmworks (31-CA-174156) and Radical Media (31-CA-174138)), with the understanding that those companies will be bound by the Board's decision in the cases against Biscuit and Radical.

We are finalizing the settlement now. I would also that the Region continue to process the charges against Biscuit and Radical, but hold off on the others.

To that end, can you provide me with an update as to the status of the Region's investigation?

Thanks

Jacob J. White, Esq.  
Associate West Coast Counsel  
I.A.T.S.E.

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, November 01, 2016 3:21 PM

**To:** Angelica Blanco ([angelica.blanco@nlrb.gov](mailto:angelica.blanco@nlrb.gov)) <[angelica.blanco@nlrb.gov](mailto:angelica.blanco@nlrb.gov)>

**Cc:** Andrew Kahn <[akahn@iatse.net](mailto:akahn@iatse.net)>; Jacob White <[jwhite@iatse.net](mailto:jwhite@iatse.net)>; [leslie@ialocal871.org](mailto:leslie@ialocal871.org)

**Subject:** IATSE Request for Contact Information

Dear Ms. Blanco:

Per your request, here is all the correspondence between the parties about IATSE's request for contact information that postdates the prior position statement.

Andrew J. Kahn

West Coast Counsel

I.A.T.S.E.

10045 Riverside Dr., 2<sup>nd</sup> Floor

Toluca Lake, CA 91602

Tele: (818)980-3499

Fax: (818)980-3496

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**From:** [Blanco, Angelica](#)  
**To:** ["Hernandez, Steve"](#)  
**Cc:** ["Witlin, Scott"; Robert Sacks](#)  
**Bcc:** [Chang, Tom K.](#)  
**Subject:** RE: IATSE Charges  
**Date:** Tuesday, November 29, 2016 1:48:00 PM  
**Attachments:** [image001.jpg](#)

---

Thank you for your email Steve. As I explained to Scott earlier today, and as I stated in my recent email to Scott, the Region needs to make a determination on the merits of the 32 pending charges.

The Region may make a decision based on the evidence we have obtained thus far. Therefore, I ask that you submit your evidence/position statement by the close of business today so that the Region can consider your evidence/position before making a decision.

While I understand that the parties may be reaching a settlement, it appears that not all of Employers will be settling and therefore not all of the charges will be withdrawn. Accordingly, I need your evidence/position as soon as possible.

Thank you for your cooperation.

Regards,

Angelica

---

**From:** Hernandez, Steve [mailto:Steve.Hernandez@btlaw.com]  
**Sent:** Tuesday, November 29, 2016 11:35 AM  
**To:** Blanco, Angelica <Angelica.Blanco@nrlb.gov>  
**Subject:** IATSE Charges

Angelica,

I wanted to provide a quick update on the employers' response to the charges filed by IATSE that we discussed the Tuesday before the Thanksgiving holiday. As we discussed, providing a response to you by yesterday's deadline was simply not possible, given the intervening holidays. However, as I mentioned, the Parties are in settlement discussions and hope to finalize a settlement in the coming days. I'll let you know if there are any further updates.

Thanks,

Steve

Steve L. Hernández  
Direct 310-284-3775



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**From:** [Blanco, Angelica](#)  
**To:** ["Witlin, Scott"](#)  
**Bcc:** [Ochoa Diaz, Juan C.](#)  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al  
**Date:** Tuesday, November 29, 2016 11:25:00 AM  
**Attachments:** [a WHITE LABEL product.pdf](#)  
[Anonymous Content, LLC.pdf](#)  
[Backyard.pdf](#)  
[Biscuit Filmworks.pdf](#)  
[Bodega Studios.pdf](#)  
[Caviar Los Angeles.pdf](#)  
[CMS Production.pdf](#)  
[Community Films.pdf](#)  
[D'Avant-Garde Media.pdf](#)  
[Epoch Media.pdf](#)  
[Fancy Content, Inc..pdf](#)  
[Identity.pdf](#)  
[Kantara.pdf](#)  
[MJZ.pdf](#)  
[Moxie Pictures.pdf](#)  
[O Positive, LLC.pdf](#)  
[Park Pictures, LLC.pdf](#)  
[Pecubu Productions.pdf](#)  
[PRETTYBIRD.pdf](#)  
[Pulse Films USA.pdf](#)  
[Radical Media, LLC.pdf](#)  
[Reset Content.pdf](#)  
[RSA Films, Inc..pdf](#)  
[Skunk Partners LLC.pdf](#)  
[Smuggler, Inc..pdf](#)  
[Station Film, Inc.pdf](#)  
[Supply & Demand.pdf](#)  
[The Sweet Shop Films LLC.pdf](#)  
[Tool of North America.pdf](#)  
[Wild Plum.pdf](#)  
[World War Seven Studios.pdf](#)

---

Good morning Scott,

This is to follow up on your position statement in connection with the above-referenced cases. As stated in my email below, your evidence was originally due on November 18, 2016. However, since I did not receive your position/evidence nor did I hear from you to request an extension, I went ahead and gave you an extension to November 28, 2016. To date, I have not received your position/evidence concerning the pending 32 charges. Please submit your evidence/position by the close of business today.

Please be advised that the Region may make a determination on the merits based on the evidence we have obtained thus far. Therefore, I ask that you submit your evidence/position as soon as possible so that it may be given the proper consideration.

Thank you for your anticipated cooperation.

Regards,

Angelica

---

**From:** Blanco, Angelica

**Sent:** Monday, November 21, 2016 3:34 PM  
**To:** 'Witlin, Scott' <Scott.Witlin@btlaw.com>  
**Cc:** 'Hernandez, Steve' <Steve.Hernandez@btlaw.com>; Robert Sacks <rsacks@kanekessler.com>  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al

Scott,

This is to follow up on the Employers' evidence and position statement which was due on Friday, November 18, 2016. I have not received any evidence from you with respect to the above cases. Please see the attached requests for evidence for the cases in which your evidence is needed and submit your evidence no later than **November 28, 2016**.

Thank you for your anticipated cooperation. Please feel free to contact me if you have any questions.

Regards,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Tuesday, November 08, 2016 11:40 AM  
**To:** 'shernandez@btlaw.com' <[shernandez@btlaw.com](mailto:shernandez@btlaw.com)>  
**Cc:** 'Witlin, Scott' <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>; Robert Sacks <[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)>  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al

Steve,

Per your request, attached is the list of cases.

Regards,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Tuesday, November 01, 2016 3:38 PM  
**To:** 'Witlin, Scott' <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>  
**Cc:** Robert Sacks <[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)>  
**Subject:** FW: Bodega Studios, Case 31-CA-183570 et. al

Dear Mr. Witlin:

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of Appearance as soon as possible.

Thank you,

Angelica

---

**From:** Blanco, Angelica  
**Sent:** Thursday, October 27, 2016 4:01 PM  
**To:** 'Witlin, Scott' <[Scott.Witlin@btlaw.com](mailto:Scott.Witlin@btlaw.com)>; Robert Sacks <[rsacks@kanekessler.com](mailto:rsacks@kanekessler.com)>  
**Subject:** Bodega Studios, Case 31-CA-183570 et. al

Dear Mr. Witlin and Mr. Sacks:

This is to confirm whether you will be handling any or all of the 45 related failure to furnish information charges that IATSE filed against 45 production companies. Attached please find a spreadsheet with each case number and employers involved in each case. If you are handling this matter on behalf of the employers, I request that you submit a Questionnaire on Commerce Information (see attached form) in each case.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Kind Regards,

Angelica

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nlr.gov](mailto:angelica.blanco@nlr.gov)

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**From:** [Blanco, Angelica](#)  
**To:** ["Witlin, Scott"](#)  
**Cc:** [Robert Sacks](#)  
**Bcc:** [Chang, Tom K.](#)  
**Subject:** Bodega Studios, Case 31-CA-183570 et al.  
**Date:** Tuesday, December 13, 2016 10:59:00 AM  
**Attachments:** [NLRB 5081 - Commerce.pdf](#)

---

Good morning Scott,

This is to request that you submit a completed Questionnaire on Commerce Information Form (see attached) for each of the following cases:

Case Number	Employer
31-CA-183570	Bodega Studios
31-CA-183572	Supply & Demand
31-CA-183574	Pulse Films USA
31-CA-183593	Station Film, Inc.
31-CA-183597	a WHITELABEL product
31-CA-183605	D'Avant-Garde Media
31-CA-183614	CMS Production
31-CA-183622	Wild Plum
31-CA-183623	World War Seven Studios
31-CA-183625	Epoch Media
31-CA-183634	Backyard
31-CA-183636	RSA Films, Inc.
31-CA-183644	Fancy Content, Inc.
31-CA-183646	The Sweet Shop Films LLC
31-CA-183651	Community Films
31-CA-183655	Kantara
31-CA-183659	Pecubu Productions
31-CA-183710	Identity

Please submit these questionnaires **by the close of business tomorrow, December 14, 2016.**

Thank you for your anticipated cooperation. Feel free to contact me if you have any questions.

Regards,

Angelica Blanco, Board Agent  
NLRB, Region 31 – Los Angeles | Direct Dial (310) 307-7326 | Fax (310) 235-7420 |  
[angelica.blanco@nrlb.gov](mailto:angelica.blanco@nrlb.gov)

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# NXGEN Disposition Sheet

## Case Due (Month): Dec 2016

### Determination Date: 12/22/2016

**Case Name:** Epoch Media

**Case Number:** 31-CA-183625

# PRIORITY

Determination date is: date of complaint, deferral, or dismissal authorization, date withdrawal requested by Charging Party, date settlement signed by Charged Party and Charging Party (if unilateral, date signed by Charged Party)

**Board Agent:** Blanco

**Supervisor:** Chang

**Category:** 1

**Bargaining**
☒

Existing Contract

☐ None

☐ Organizing Campaign

☐ Seeking Initial Contract

☐ Seeking Succeeding Contract

**Status**

(1) Check the appropriate action

(2) mark all allegation types that apply, as follows:

☐ **Partial Action, please state the status of the remaining allegation(s):**
☒ **Withdrawal**

Forward with recommendation

**W**=withdrawn not adjusted; **A**=Adjusted

**Reason for WD:**
☐ Case set for dismissal (no merit)

☒ Charging and Charged Party have resolved the dispute alleged in the charge (Regional Office Remedies Attached)

☐ Charging Party does not wish to proceed for reasons other than above-listed reason (no determination made)

☐ **Complaint Issuance**

Forward with draft complaint

☒ = allegation type in Complaint

☐ **Deferral/Abeyance Issuance**

Forward with draft letter

**C**=Collyer; **D**=Dubo; **A**=Abeyance

☐ **Dismissal Issuance**

Forward with draft letter

**D**=Dismissed; **A**=Adjusted w/ Remedies Sheet attached

 Were the reasons for proposed dismissal in absence of WD given in detail to ☐ CP or ☐ Atty? ☐ No or ☐ Yes on \_\_\_\_\_ date in person, \_\_\_\_\_ by phone or ☐ in writing.

 On refusal to withdraw, was the ☐ CP or ☐ Atty informed, pursuant to outstanding instructions, that a long-form dismissal letter setting forth the reasons for dismissal would issue unless CP or Atty specifically stated no such long-form dismissal letter was desired? ☐ Yes or ☐ No. If not, why not? \_\_\_\_\_

 Was the offer of a long-form dismissal letter rejected by ☐ CP or ☐ Atty? ☐ Yes or ☐ No. Was the ☐ CP or ☐ Atty informed that the Charged Party would receive a copy of the dismissal letter? ☐ Yes or ☐ No.

☐ **Settlement Approval**

Forward with draft settlement

 Formal: ☒ = allegation type in Settlement

☐ Formal ☐ Informal

 Informal: **B** = Bilateral; **U**=Unilateral (if unilateral, prepare Letter Approving Unilateral Settlement)

☐ **Merit Dismissal Issuance**

Forward with draft letter

**Initial Merit Dismissal** ☐
**Final Merit Dismissal Letter** ☐ (include remedies report)

### 8(a)(1)

- ☐ Coercive Statements (Threats, Promises of Benefits, etc.)
- ☐ Concerted Activities (Retaliation, Discharge, Discipline)
- ☐ Denial of Access
- ☐ Discharge of supervisor (Parker-Robb Chevrolet)
- ☐ Coercive Actions (Surveillance, etc)
- ☐ Weingarten
- ☐ Interrogation (including Polling)
- ☐ Lawsuits
- ☐ Coercive Rules

### 8(a)(2)

- ☐ Assistance
- ☐ Domination
- ☐ Unlawful Recognition

### 8(a)(3)

- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge (Including Layoff and Refusal to Hire (not salting))
- ☐ Discipline
- ☐ Lockout
- ☐ Retaliatory Lawsuit
- ☐ Refusal to Consider/Hire Applicant (salting only)

### 8(a)(3)(cont.)

- ☐ Refusal to Hire Majority
- ☐ Refusal to Reinstate E'ee/Striker (e.g. Laidlaw)
- ☐ Shutdown or Relocate/ Subcontract Unit Work
- ☐ Union Security Related Actions

### 8(a)(4)

- ☐ Changes in Terms and Conditions of Employment
- ☐ Discharge (including Layoff and Refusal to Hire)
- ☐ Discipline
- ☐ Shutdown or Relocate/ Subcontract Unit Work
- ☐ Refusal to Reinstate Employee/Striker

### 8(a)(5)

- ☐ Alter Ego
- ☐ Refusal to Bargain/Bad Faith Bargaining (incl'g surface bargaining/direct dealing)
- ☐ Failure to Sign Agreement
- ☐ Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes]
- ☒ **A** Refusal to Furnish Information
- ☐ Refusal to Recognize
- ☐ Shutdown or Relocate (e.g. First National Maint.) Subcontract Work



# NXGEN Disposition Sheet

Page 2

8(b)(1)(A)

- ☐ Coercion, incl'g Statements and Violence
- ☐ Denial of Access
- ☐ Discipline (including charges/fines)/Harassment
- ☐ Duty of Fair Representation, incl'g Superseniority, denial of access
- ☐ Union Dues and/or Membership Related (including excessing fees)
- ☐ Hiring Halls
- ☐ Picketing/Strike Actions
- ☐ Rules: Coercive

8(b)(1)(B)

- ☐ Fund Contribution Related
- ☐ Lawsuits
- ☐ Other Allegations
- ☐ Statements/Threats/Violence

8(b)(2)

- ☐ Hiring Hall Related
- ☐ Lawsuits
- ☐ Union Security Related Actions
- ☐ Causing Employer to Discriminate/Retaliate

8(b)(3)

- ☐ Refusal to Bargain/Bad Faith or Surface Bargaining
- ☐ Failure to Sign Agreement
- ☐ Refusal to Furnish Information
- ☐ Repudiation/Modification of Contract

8(b)(4)(A)

- ☐ Picketing/Handbilling
- ☐ Lawsuits/Grievances
- ☐ Statements

8(b)(4)(B)

- ☐ Picketing/Handbilling
- ☐ Lawsuits/Grievances
- ☐ Statements

8(b)(4)(C)

- ☐ Picketing
- ☐ Lawsuits/Grievances
- ☐ Statements

8(b)(4)(D)

- ☐ All allegations

8(b)(5)

- ☐ All allegations

8(b)(6)

- ☐ All allegations

8(b)(7)(A)

- ☐ All allegations

8(b)(7)(B)

- ☐ All allegations

8(b)(7)(C)

- ☐ All allegations

8(e)

- ☐ All Allegations against a Labor Organization
- ☐ All Allegations against an Employer

8(g)

- ☐ All allegations

If processing a full withdrawal, full dismissal, or closing on compliance, select from the below:

At what point is the case closing?

- ☒ Pre-Complaint
- ☐ After ALJ Decision
- ☐ After Board Order – Automatic Decision
- ☐ After Board Order – Contested Decision
- ☐ After Board Order – Stipulated Decision
- ☐ After Complaint, Before Hearing
- ☐ After Consent Court Judgment
- ☐ After Contested Court Judgment
- ☐ After Contempt Judgment
- ☐ After Hearing Closed
- ☐ After Hearing Opened, Before Hrg. Closed
- ☐ After Supreme Court Judgment
- ☐ Pre 10(k) Notice of Hearing

How is the case closing?

- ☒ Withdrawal, adjusted
- ☐ Withdrawal, not adjusted
- ☐ Dismissal, adjusted
- ☐ Dismissal, not adjusted
- ☐ Compliance with Board Decision
- ☐ Compliance with Court Judgment
- ☐ Compliance with ALJ Decision
- ☐ Compliance with Formal Settlement
- ☐ Compliance with Informal Settlement
- ☐ Compliance with 10(k) Board Determination
- ☐ Without Full Compliance with Board Decision
- ☐ Without Full Compliance with Court Judgment
- ☐ Without Full Compliance w/Formal Settlement
- ☐ Without Full Compliance w/Informal Settlement

☒

NxGen file is complete

HOT TOPIC designated. Circle all applicable

Cessation of Dues Check-off	Recess Appointments
Information Requests for Financial Records	Discharge Organizing Campaign
Use of Employer E-mail	Noel Canning
Social Media	Fast Food
Post Arbitration Deferral	Challenges to Acting GC's Authority
Employer Mandatory Arbitration Policy	

If the Charging Party has requested withdrawal, please fill out the below:

On 12/22/2016 date, CP or X Atty verbally/in writing withdrew the instant charge. I recommend approval.

/s/ Angelica Blanco

(Board Agent's signature)

December 22, 2016

(Date)

Withdrawal request approved

12/22/16  
(Date)

(TS)

Acting

Regional Director, Region 31  
National Labor Relations Board





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 31  
11500 W Olympic Blvd Ste 600  
Los Angeles, CA 90064-1753

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (310)235-7351  
Fax: (310)235-7420

December 28, 2016

Scott Witlin, Attorney at Law  
BARNES & THORNBURG LLP  
2029 CENTURY PARK EAST, SUITE 300  
LOS ANGELES, CA 90067-2904

ROBERT SACKS, ESQ.  
KANE KESSLER, P.C.  
666 Third Avenue  
New York, NY 10017

Re: Epoch Media  
Case 31-CA-183625

Dear Mr. Witlin and Mr. Sacks:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mori Rubin", is written above the typed name.

Mori Rubin  
Regional Director

cc: EPOCH Media Group, LLC  
9290 Civic Center Dr  
Beverly Hills, CA 90210-3714

Leslie Simon, Business Representative  
IATSE LOCAL 871  
4011 W Magnolia Blvd  
Burbank, CA 91505-2833

Jacob White, West Coast Counsel  
10045 Riverside Dr  
Toluca Lake, CA 91602-2543